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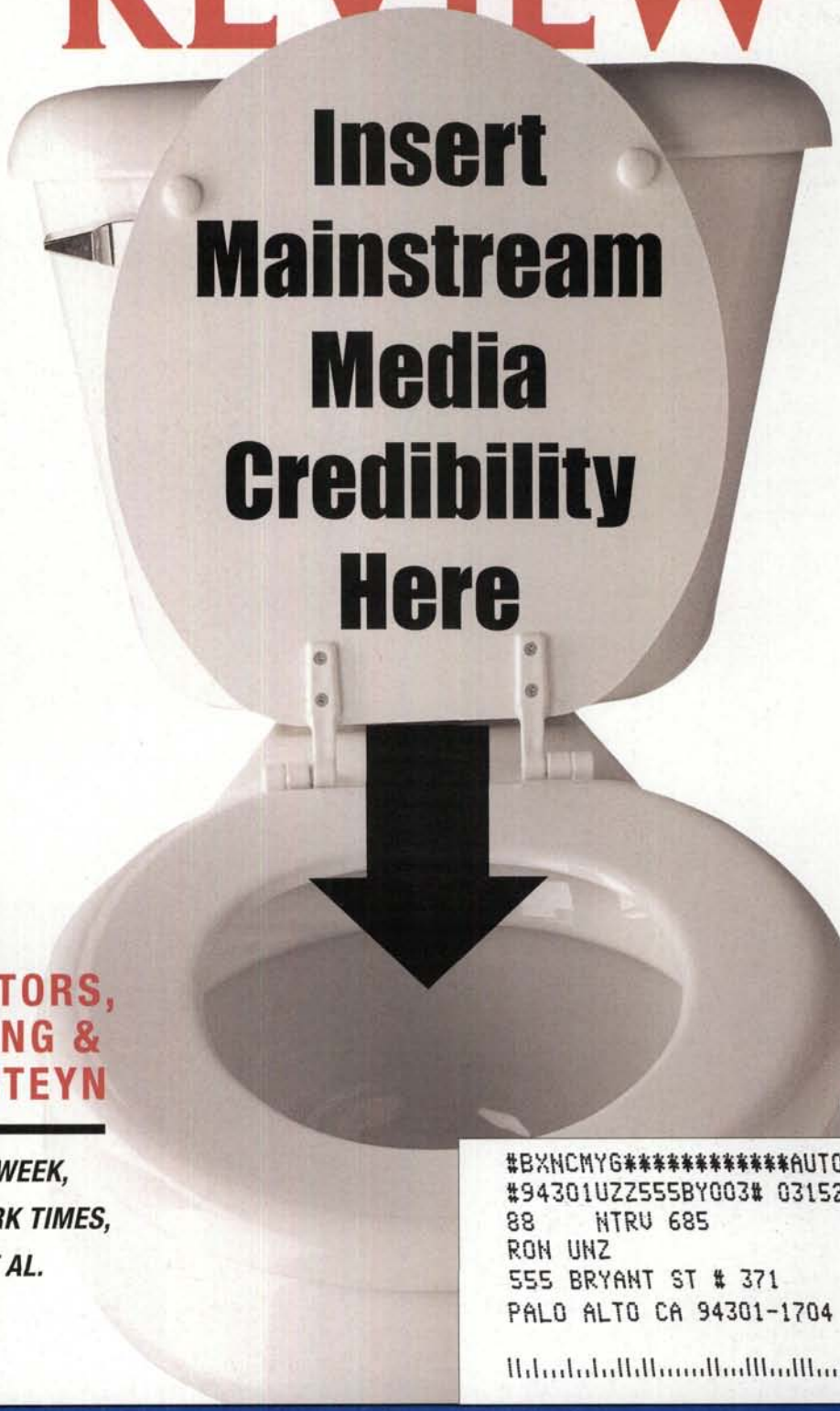
Ramesh Ponnuru: A GAY-MARRIAGE COMPROMISE

NATIONAL REVIEW



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Office of National Drug Control Policy

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If you have outdated perceptions about marijuana, you might be putting your teen at risk. New research is giving us better insight into the serious consequences of teen marijuana use, especially how it impacts mental health.

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- *Asian Community Mental Health Services*
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- *Institute for Behavior and Health, Inc.*
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[1]Patton, GC et al. Cannabis use and mental health in young people: cohort study. *British Medical Journal*, 325: 1195–1198, 2002. [2]Greenblatt, J. Adolescent self-reported behaviors and their association with marijuana use, Substance Abuse and Mental Health Services Administration (SAMHSA), 1998. [3]Arseneault, L et al. Cannabis use in adolescence and risk for adult psychosis: longitudinal prospective study. *British Medical Journal*, 325: 1212–1213, 2002; Veen, N et al. Cannabis use and age at onset of schizophrenia. *The American Journal of Psychiatry*, 161: 501–506, 2004. [4]*Marijuana Potency Monitoring Project. Report No. 83*, University of Mississippi, 2003. [5]SAMHSA. Trends in Initiation of Substance Use, 2003. [6]SAMHSA. Parental Disapproval of Youths' Substance Abuse, 2002.

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JUNE 6, 2005 VOL. LVII, NO. 10

NATIONAL REVIEW

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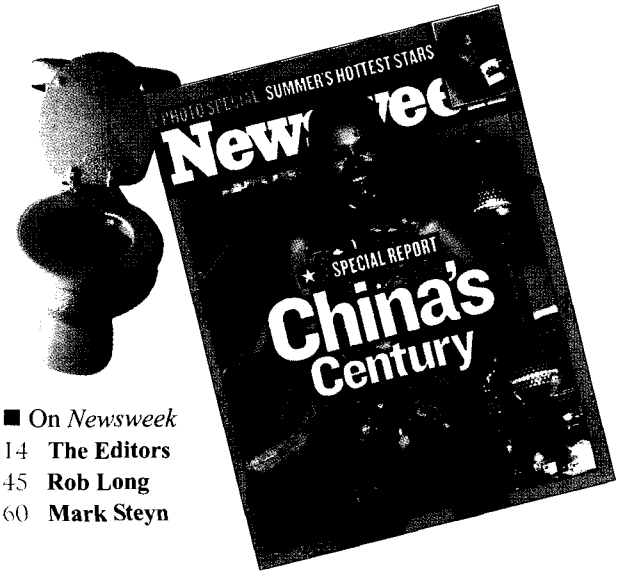
■ **PUBLIC POLICY**

Option Four

Page 38

Perhaps a limited compromise in the debate over marriage can be reached, if we can separate the two fundamental issues: recognition and benefits. *By Ramesh Ponnuru*



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COVER: *Burke/Triolo Productions/Getty*

NATIONAL REVIEW (ISSN: 0028-0038) is published bi-weekly, except for the first issue in January, by NATIONAL REVIEW, Inc., at 215 Lexington Avenue, New York, N.Y. 10016. Periodicals postage paid at New York, N.Y., and additional mailing offices. ©National Review, Inc., 2005. Address all editorial mail, manuscripts, letters to the editor, etc., to Editorial Dept., NATIONAL REVIEW, 215 Lexington Avenue, New York, N.Y. 10016. Address all subscription mail orders, changes of address, undeliverable copies, etc., to NATIONAL REVIEW, Circulation Dept., P. O. Box 668, Mount Morris, Ill. 61054-0668; phone, 815-734-1232, Monday–Friday, 8:00 A.M. to 10:30 P.M. Eastern time. Adjustment requests should be accompanied by a current mailing label or facsimile. Direct classified advertising inquiries to: Classifieds Dept., NATIONAL REVIEW, 215 Lexington Avenue, New York, N.Y. 10016 or call 212-679-7330. POSTMASTER: Send address changes to NATIONAL REVIEW, Circulation Dept., P. O. Box 668, Mount Morris, Ill. 61054-0668. Printed in the U.S.A.

RATES: $65.00 a year (24 issues). Add $21.50 for Canada and other foreign subscriptions, per year. (All payments in U.S. currency.) The editors cannot be responsible for unsolicited manuscripts or artwork unless return postage or, better, a stamped self-addressed envelope is enclosed. Opinions expressed in signed articles do not necessarily represent the views of the editors.

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NATIONAL REVIEW

June 6 issue; printed May 19

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ADVERTISING SALES 212-679-7330
Executive Publisher Scott F. Budd
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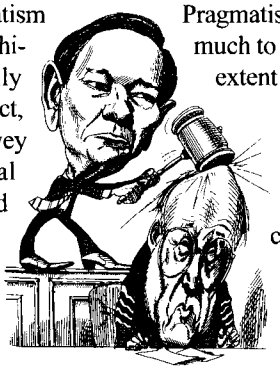
letters to the editor

A PRAG

After reading Michael Potemra's glowing review in NR of Louis Menand's *The Metaphysical Club* back in 2001, I bought the book and discovered that without knowing it I had been a Pragmatist all along. This realization led me to read Charles Peirce and William James especially. Today, I consider myself a conservative Pragmatist who agrees with Fr. Richard John Neuhaus and other conservative scholars that Pragmatism took a wrong turn with Dewey that has resulted in the impression that Pragmatists must be progressive politically. Exhibits A and B would be Richard Rorty and Cornel West.

To the extent that a person can speak intelligibly of Pragmatism as a single point of view or philosophy, it is not necessarily politically left or right. In fact, you could argue that as Dewey turned away from classical Pragmatism and toward progressive politics, he signaled that there is a more intimate relationship between Pragmatism and *conservatism*.



I had noodled around with a paper demonstrating the compatibility of the two when Jonah Goldberg's article against Pragmatism appeared in the May 23 issue ("The New-Time Religion"). I was dismayed. The article insists that Pragmatism and progressive politics go together like peanut butter and jelly, and that just ain't so.

It does not help matters that James can be characterized as inventing Pragmatism "to accommodate the belief that Darwin killed God." This phrase is unworthy of thinking conservatives because it so completely misrepresents James.

Writing in *Modern Age* about Pragmatism, Thomas Short offered a remark that fits the occasion: "Even conservative journalists increasingly follow the Left's lead in reducing intellectual issues to an ideological pro-and-con."

Classical Pragmatism has much to offer conservatism. Many of us on the right are already Pragmatists, whether we know it or not. I hope you don't shut the door against Pragmatism, because once NATIONAL REVIEW shuts a door, it tends to stay closed.

Nathan W. Harter
Greensburg, Ind.

JONAH GOLDBERG REPLIES: I suspect if we were to chat, Mr. Harter and I would agree on much, including the quality of Menand's work and Dewey's politics. Nonetheless, I don't believe I misrepresented William James. I admit that James was a kind, serious, and complex fellow. But there's no disputing that his philosophy was a response to the Darwinistic assault on divine "certainty." "Classical" Pragmatism, whatever that is, may have much to offer conservatives, but to the extent it does, the word is largely a stand-in for critical thinking and skepticism. When it means something more than that it becomes deeply unconservative. As for my claim that Pragmatism and progressive politics go together like peanut butter and jelly, the plain truth is that they *did*—and do. We can debate whether that was inevitable, but that would be very un-Pragmatic at this point.

IN THE BOOK

In their excellent piece on the courts ("Independence Day," May 23), Ramesh Ponnuru and Robert P. George make one small mistake: Referring to Cass Sunstein, William Rehnquist, and others, they say, "None of them says that the Constitution simply is whatever the Supreme Court says it is." In fact, in *The Second Bill of Rights* (p. 108), Sunstein says precisely this in virtually those words. I quote: "As a practical matter, the Constitution means what the Supreme Court says that it means." It is this Humpty-Dumptyish attitude toward the courts and Constitution that rationalizes the judicial arrogance Ponnuru and George are protesting.

Max Hocutt
Northport, Ala.

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THE WEEK

■ *Newsweek* caused quite a stir in the world. Can *Time* top it? And will *U.S. News* issue an annual ranking of magazine-sparked murderous rampages?

■ Would anyone in the private sector hire Sen. George Voinovich, the Ohio Republican? He was absent without leave for two days of public hearings on John Bolton's nomination to be U.S. ambassador to the U.N. Then when he showed up at a meeting to vote, he delayed the proceedings three weeks because he was shaken that Democrats had utterly predictable complaints about the nominee. In the interval, he apparently learned nothing. In refusing to vote for Bolton at the committee's meeting May 12, he endorsed the absurd idea that Bolton was a "kiss up, kick down" kind of guy at the State Department, when Bolton repeatedly clashed with his superior Colin Powell. He excoriated Bolton for "straying off message" at State, when the root of his unpopularity at Foggy Bottom was that he relentlessly stuck to President Bush's message. He said Bolton's conduct would have gotten him fired from a corporation, thus buying into tendentious reports of Bolton's nastiness and displaying a naivety about the state of manners in America's private sector. His bottom line was that people he meets in Europe won't like Bolton. Altogether a remarkably poor showing. The senator at least voted to send Bolton to the Senate floor without recommendation, where his nomination awaits a vote. Unfortunately, Bolton should get used to it. When he is confirmed, he will have to deal routinely with people at the U.N. who make George Voinovich look well-informed and reasonable.

■ Since the president came out for personal accounts and progressive benefit cuts for Social Security, the Democrats have launched critique after critique—but so far, they have not landed a glove on its substance. Democrats in the House Ways and Means Committee relied on the "research" of liberal economist Robert Shiller to claim that personal accounts would perform worse than Social Security does. Yet Shiller got that result only by constructing an unrealistic portfolio and by making assumptions that do not resemble Bush's actual plan. They have also cited the usual self-contradictory flim-flam from the Center for Budget and Policy Priorities. The liberal think tank ignores personal accounts when it is explaining how little money retirees will have under Bush's plan, but counts every penny in the accounts when calculating the costs of Bush's plan. One House Democrat has offered an alternative plan as well as a critique: Robert Wexler, a Florida Democrat with the most senior-heavy district in the nation, proposed to improve Social Security's solvency by raising taxes on high earners by 6 percentage points. His fellow Democrats are fuming that he has offered a plan instead of just carping from the sidelines. They aren't bothering to make a solid case for what's wrong with Wexler's plan; they are just upset that it does not advance their political strategy. In other words, they are treating Wexler the same way they are treating Bush.

ROMAN GENN

See page 16

■ The Senate has sired a new incarnation of that monument to wasteful spending, the federal highway bill. According to the Heritage Foundation's Ronald D. Utt, the bill would direct up to 40 percent of federal fuel-tax revenues toward projects that have little or nothing to do with highway improvements. That's a sign that the program has outlived its usefulness. The federal fuel tax should be eliminated, and individual states, which undertake repairs and improvements within their borders, should fund their work through state gas taxes. The feds would thus be denied the chance to misallocate revenues, and states, freed from federal regulations that discourage innovative solutions, would do their work more efficiently. It may be unrealistic to expect such changes soon. But, at the least, President Bush should take a stand against profligacy. He has threatened to veto any bill costing more than $284 billion—as the Senate's version does. Asked about the veto threat, Sen. Max Baucus (D., Mont.) said, "He's never vetoed a bill. I doubt seriously it'll be this one." Those are the words of a man asking, and deserving, to be proved wrong.

■ Looks like Barney Frank, the grumpy gay left-winger, is the only Democrat willing to house-train Howard Dean. The DNC chairman, addressing a convention of Massachusetts Democrats in Lowell, said that "Tom DeLay ought to go back to Houston, where he can serve his jail sentence down there." Interviewed on

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The *real* issues of Social Security reform

There is no longer any doubt that Social Security needs to be reformed. The nation's troubled retirement program will begin running a deficit in just 12 years. Overall, the program faces unfunded liabilities of more than $12 trillion. But while the politicians in Washington debate whether this represents a crisis or just a big problem, the Cato Institute believes it is an opportunity to build a new and better retirement program for all Americans.

Ownership

Under the current Social Security system you have no legal, contractual, or property rights to your benefits. What you receive from Social Security is entirely up to the 535 members of Congress. But personal retirement accounts would give you ownership and control over your retirement funds. The money in your account would belong to you—money the politicians could never take away.

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Choice

Choice is part of the essence of America. Yet when it comes to retirement, Congress forces all Americans into a one-size-fits-all, cookie-cutter retirement program, a system that cannot pay the benefits it has promised and under which you have no right to the money you pay in. With personal retirement accounts, workers who wanted to remain in traditional Social Security could do so. But younger workers who wanted a choice to save and invest for their future retirement would have that option.

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THE WEEK...

the convention floor, Frank demurred. "That's just wrong. . . . The man has not been indicted. I don't like him, I disagree with some [sic] of what he does, but I don't think you, in a political speech, talk about a man as a criminal . . ." We assume, from the silence of other Dems, that they either agree with Dean, or consider him a spunky, incorrigible poop-dropper.

■ Supporters of a Federal Marriage Amendment have warned that without it, federal judges would impose same-sex marriage on the nation. FMA opponents have dismissed that prediction as speculation. But now a federal judge has provided confirmation. Nebraska voters amended their state's constitution to define marriage as the union of a man and a woman. But Judge Joseph Bataillon, a Clinton appointee, struck down the amendment. He reached his result via several convoluted theories—most prominently, the theory that the amendment infringed the political rights of gay people. Before the amendment they would have had to persuade the legislature to grant them marriage; after the amendment, they would also have to amend the state constitution. It's a crackpot constitutional theory: Any provision of a state constitution that sets a policy similarly handicaps opponents of a policy; the whole point of setting some policies in state constitutions is to insulate them from shifting legislative majorities. Unfortunately, Bataillon's crackpot theory is shared to a significant degree by the Supreme Court, which suggests, once again, that an amendment to the federal Constitution is needed.

■ A federal appeals court ruled that the records of the energy task force run by Vice President Dick Cheney four years ago could remain secret. It is the correct ruling. The policies promulgated by the executive branch deserve to be scrutinized. But employees of the executive branch have to be able to meet in confidence to devise those policies in the first place. Otherwise executive deliberation and unity would be impossible. Legal protection for the task force is welcome. Less welcome is the pork-laden energy bill the task force came up with, which has been too much for even this spendthrift Congress to swallow.

■ Ron Chernow, biographer of Alexander Hamilton, wrote an op-ed for the *New York Times* explaining what the Founders would think about filibustering judicial nominees. He couldn't say exactly, of course, since the filibuster was not used until they had left politics. But he recounted the judicial wars of the Jefferson administration, which pitted the president and his allies against Chief Justice John Marshall. Marshall held the judiciary's critics at bay, establishing the courts as a potent, and in some cases, paramount branch of government. Is this, as Chernow concluded, what "the Framers intended"? Only if you believe that the courts have continued to reason with Marshall's discretion and intellectual force. If one branch of government becomes a binge drinker, it has to be dried out. That's why there are three branches, as the Framers intended.

■ United Airlines is defaulting on its pensions. Its workers will now receive a reduced pension from the Pension Benefit Guaranty Corporation, part of the federal government. Like United, however, the PBGC doesn't have the money to back its promises. It is funded by taxes on the companies that rely on its guarantee of their pensions. But the companies' lobbying keeps those taxes lower than a private insurance firm would charge for the same service. So the public is potentially on the hook for hundreds of billions of dollars. The problem will get worse if United's competitors follow its lead in defaulting, or if other companies take reckless risks with their investments knowing that they have a federal backstop. The long-term solution here is to wind down this federal guarantee, which is a form of corporate welfare, and require that companies adequately fund their pensions going forward. Liberals have instead taken a perverse lesson from the episode. "Defined benefit" pensions such as United's have lost ground in the corporate world to "defined contribution" pensions such as 401(k)s. Bush's plan for Social Security would move it in the same direction. Liberals think that these shifts are bad for workers. Yet United demonstrates the pitfalls of "defined benefits." They turn out not to be as secure as advertised, and workers have little control over them. So, too, with Social Security's "guaranteed" benefits. What's more, in both cases American taxpayers are exposed to a great deal of risk. United's workers surely wish that they had had a modern, defined-contribution pension where their benefits were funded with each paycheck. United's pension fund, like Social Security, was supposedly a "solemn commitment." But nothing says "solemn commitment" like cash up front.

■ Michael Bruce Ross murdered eight young women, in most cases after raping them, in a three-year spree in the early 1980s. On May 13, twenty years after his arrest, Ross was executed in Somers, Conn., by lethal injection. It was the first execution in that state since 1960, when electrocution was the statutory method. Those who approve, will approve; those who don't, won't. Since there was no serious dispute about the evidence offered at trial, or about Ross's sanity, or about the veracity of his confessions, and since Ross had ceased to support any appeals on his behalf since 1998, it is hard to see why two decades of deliberation were necessary in his case. Those who object to capital punishment are of course free to make their case to the rest of us. Should they also be free to hold up the administration of justice for such extravagant periods of time? Where capital punishment is lawful, and matters of guilt and responsibility firmly established, let the sentence be administered with reasonable dispatch.

■ Columbia University's senate, a governing body composed of faculty, students, and administrators, voted 53–10, with five abstentions, not to return ROTC to the Columbia campus. The vote was particularly disappointing because there was significant support for ROTC's return among students, with one poll showing 65 percent of respondents in favor and with the student newspaper on board. The main objection raised during the senate debate was the military's "Don't ask, don't tell" policy toward homosexuals. But as ROTC's advocates point out, in banning the group Columbia discriminates against its participants and indeed against anyone who wishes to choose military service as a career. The fact that Columbia's decision-makers

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THE WEEK...

would rather exile all student officers-in-training than permit the exclusion of a few openly gay students speaks volumes about their worldview. Yet ROTC's advocates will persist: They plan to continue their efforts by drumming up alumni support, bringing the issue to the university's board of trustees, and attempting to bridge the civilian-military divide on campus in other ways.

■ The Oil-for-Food revelations just keep coming. Now we've learned from the Senate's Permanent Subcommittee on Investigations, chaired by Minnesota Republican Norm Coleman, that a number of European politicians likely participated in, and profited from, what Iraqi officials called the "Saddam Bribery System." In exchange for their continued support of Hussein, Britain's George Galloway, France's Charles Pasqua, and several high-level Russian officials allegedly received millions of barrels of Iraqi oil that they then sold for a substantial profit. Saddam focused his efforts on his friends in countries on the Security Council, hoping to eventually have the sanctions regime removed. That plan of course didn't work out, but corrupt Westerners still had a significant role in boosting his regime. If the subcommittee's allegations are true, not only did the Galloways of the world provide Saddam with needed cash, they played right into his scheme of using oil allocations to buy favor around the globe. Had they not done so, millions of Iraqis might have been better off, sooner.

■ Salama Na'mat, the Washington, D.C., bureau chief of the London-based Arabic-language daily *Al-Hayat*, published an article in his paper criticizing Arab regimes and the Arab media for encouraging the Iraqi insurgents. "Isn't their goal to thwart [the emergence of] the newborn democracy in Iraq so that it won't spread in the region?" he wrote. "The forces of darkness and their natural allies in the regimes [neighboring Iraq] are insisting on turning the dream of democracy into a living hell." Na'mat also predicted that if the Islamists succeed in Iraq, their triumph "will encourage similar successes in other places in which [democracy] is being built," particularly Lebanon. We doubt such statements will make Na'mat many friends, especially among those who prefer to express their disagreement with violence. And yet we notice Na'mat has made similarly forceful statements before, for example in criticizing Arab silence about Oil-for-Food. Judging by his statements he is a true Arab reformer, with all the courage that entails.

■ For a moment there it looked like Europe's tireless attempts to bribe Iran into giving up key parts of its nuclear program had finally come to an end. After the latest round of negotiations concluded in deadlock, Iran threatened to resume suspended fuel-cycle activities, prompting the Europeans to suggest they were ready to get tough. "We certainly will support referral to the U.N. Security Council if Iran breaches its undertakings and obligations," said Tony Blair. Soon after that, however, Iran conceded that it might postpone the resumption of uranium reprocessing, and yet another round of talks was started. If the previous deadlock reveals anything, it is that the mullahs are set on maintaining the nuclear fuel cycle, and that no quantity of Western "carrots" will persuade them to relinquish it. Europe may be resigned to an Iranian bomb. But that doesn't mean the U.S. must be as well. Congress is considering legislation that would tighten existing U.S. sanctions against Iran, prevent American subsidiaries from doing business there, and reduce aid to countries whose businesses invest there. The threat of precision military strikes also remains on the table—the Pentagon recently announced that it plans to sell Israel 100 "bunker-buster" bombs. And of course there is Iran's pro-democratic population, which may be our greatest weapon against the mullahs. Even if the EU3 are adamant about maintaining the charade, it should be clear to everyone else that diplomacy with Iran has run its course.

■ At the time of writing, an astonishing event is scheduled to take place in Havana: the General Meeting of the Assembly to Promote Civil Society in Cuba. This is to be a great democratic gathering, and the Cubans involved expose themselves to considerable risk. Indeed, Castro has arrested many of the leading democrats in advance, and has otherwise flexed the muscles of a police state. In support of the democrats, bodies from around the world have expressed their solidarity. Among them is the U.S. Congress, which passed a resolution. Twenty-two congressmen voted against it—the usual suspects: Charles Rangel, Dennis Kucinich, Maxine Waters, John Conyers, Barbara Lee, Jim McDermott, Cynthia McKinney, Pete Stark . . . Rangel is perhaps the most steadfast friend of Castro in the American political establishment (and one of the most enduring darlings of our media). He told the *New York Sun* that he voted against the congressional resolution because American politicians "refuse to give the government the respect that it deserves." He was referring to Castro's regime, which is a totalitarian one, imprisoning, torturing, and executing at will, and allowing no democratic rights whatever. Rangel's colleagues on the left expressed similar sentiments. It is commonly said that all Americans—certainly those in our political establishment—support freedom and democracy. None of us likes, or defends, dictatorship or oppression. We all belong to the same, universal cause, no matter what our minor differences. It isn't true. It just isn't—as the resolution on Cuban democracy has confirmed.

■ Mexican president Vicente Fox thinks it is a fine thing that several million of his citizens have moved themselves, legally or not, to the United States. Well, he would, wouldn't he? It is better for Mexico's elites that their nation's poor are seeking work up here rather than protesting their dire condition down there. The billions of dollars going back to Mexico in remittances doesn't hurt, either. Understandable, then, that Fox is upset about recent U.S. measures to add more border fences and prevent illegal immigrants from obtaining driver's licenses. His annoyance slopped over at a meeting with Texas businessmen in Puerto Vallarta. Said Fox, "There's no doubt that the Mexican men and women—full of dignity, willpower, and a capacity for work—are doing the work that not even blacks want to do in the United States." Following a full-court press by both Al Sharpton and Jesse Jackson, Fox did the racial-sensitivity grovel, regretting hurt feelings and expressing great respect for "the African-American community in the United States." It's nice that Fox respects

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Whose health care is it anyway?

In the debate over health-care reform in this country, it seems that one vitally important question is too often left out of the equation: Why should we expect the government to be responsible for providing medical care in the first place?

Food, housing, and clothing are no less basic to our daily lives, and yet citizens don't want government bureaucrats to tell us what kind of cereal we can buy or how much it will cost. When it comes to health care, however, the assumption that government needs to be involved ignores the virtual stranglehold the government already exerts on health-care prices in this country and the failure of that system.

Despite the presence of private insurers in our health-care marketplace, it is the government that to a great extent controls the price of health care. It is bureaucrats who set the reimbursement rates that doctors and health-care providers use to set their pricing, rather than relying on the actual costs and profit margins for their services. The most overt example is in Medicare-covered health services, where bureaucrats set "rates of reimbursement." Some multiple of these Medicare-determined rates also serves as the basis for a significant percentage of payments by private insurers. And **it is the federal control of the health-care dollar that has led to increased costs, delays in patient care, and frustrations for both doctors and patients.**

Christopher Conover of Duke University has estimated the cost of excessive regulation in the health-care market to exceed $339 billion, with a net cost of $169 billion—more than U.S. consumers spend every year on gasoline and oil. His figures show that the cost of the medical legal system alone, including litigation costs, court expenses, and defensive medicine, exceeds $80 billion.

This artificial pricing structure that our government imposes on consumers and doctors is unique to health care, and it has done little to rein in costs or improve care. The real cure for rising health-care costs is direct payment from patient to doctor, eliminating the third-party-payer system that shelters patients from making cost-conscious decisions and results in massive administrative costs and the artificial pricing of medical care. Prices come down when the patient is the customer—not the government or other third-party payer. Patients consider cost when they spend their own money: refractive eye surgery, whole-body-screening CT scans, and other procedures have come down in price when market forces are allowed to operate without third-party interference.

The isolation of the consumer from paying for health care and the inordinate amount of control that government exerts over health-care costs represent a startling exception to the free market system that has served us so well in every other major service industry. This should lead us to ask the question, **on what basis does "government" become the solution for escalating health-care costs?** And why, when it has failed to rein in those costs in the past, should we expect even more government control to be the answer today?

—Scott W. Atlas

Scott W. Atlas is a senior fellow at the Hoover Institution; professor of radiology and chief of neuroradiology at Stanford University Medical School; and editor of Power to the Patient *(Hoover Press, 2005).*

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THE WEEK...

something about our country, but when will he show similar respect for our laws?

■ Tina Brown takes American citizenship. Yes, the times we agree with her are random events. But on the larger questions—*hype, hard work, glitz, smarts, self-promotion, promotion of others*—she is as American as Capt. John Smith, who come to think of it was another Brit. Welcome aboard (we won't sing the verse about "their foul footsteps' pollution").

■ On the face of it, the Air America sketch was humor—very leaden humor. A spokesman for the American Association of Armed Retired People says, "A spoiled child is telling us our Social Security isn't safe anymore, so he is going to fix it for us. Well, here's your answer, you ungrateful whelp." Gunshots. Laughter from host Randi Rhodes. Compared to H. L. Mencken, or John Quincy Adams, this is pretty low on the bile meter. But Air America should have reflected that, of 42 presidents, four (Lincoln, Garfield, McKinley, Kennedy) have been murdered, and six (Jackson, both Roosevelts, Truman, Ford, and Reagan) have been shot at. The law therefore takes such talk seriously. Air America could avoid the problem by using a little intelligence and wit, if it has any.

■ Alumni of Dartmouth College elected two petition candidates to the college's board of trustees—two conservatives, no less. Peter Robinson '79 and Todd Zywicki '88 emerged victorious from a six-person field after a bruising smear campaign waged by supporters of the current regime (alumni, professors, even the president of the college himself) attempted to derail their candidacies. Robinson is a Hoover Institution fellow, TV moderator, National Review Online contributor, and former Reagan speechwriter. Zywicki is a law professor at George Mason University, and a writer for "The Volokh Conspiracy," a legal-affairs blog. Robinson and Zywicki have been highly critical of the college administration: Their platform called for more transparent governance, a rededication to undergraduate education, more support for the athletic program and the fraternity/sorority system, free speech on campus, and fiscal restraint to curtail an out-of-control bureaucracy. They join T. J. Rodgers '70, who was elected last year on a similar platform, on a board where they will assuredly be a minority faction, albeit a righteous one.

■ Some weeks ago, one Anna Ayala, a 39-year-old resident of Las Vegas, "found" part of a human finger in the bowl of chili served to her at a Wendy's fast-food franchise in California. She promptly sued, but withdrew her action when it became known that she is a serial plaintiff, who has a long record of trying to get *money out of big corporations. The question then remained: To* whom did the enchilied digit belong? Acting on a tip [sic], local police questioned a Nevada gentleman who had lost a finger in an industrial accident back in December. This person is an acquaintance of Ms. Ayala's husband, so now the finger of suspicion is pointing right back at Ms. Ayala, who has accordingly been nailed—arrested and charged with attempted grand theft. While Ms. Ayala languishes in jail, no doubt cursing the fickle finger of fate, Wendy's has announced that they have lost $2.5 million of business because of the incident. Nor are they the only losers. A society as absurdly litigious as ours has now become will naturally encourage hoaxes of this kind, making it harder for those genuinely wronged to obtain redress. Thanks a . . . million, ATLA.

■ "Christ is not speaking to the press at this time," said West Virginia attorney A. P. Pishevar the other day. Well, there's a thing you don't hear every day. Mr. Pishevar was actually referring to his client, a gentleman who started out in life as Peter Robert Phillips Jr., but who subsequently changed his name to Jesus Christ as an expression of piety. That was all very well in Washington, D.C., where Mr. Christ was living at the time, but when he moved to West Virginia recently, he found himself up against stricter driver's license requirements. His new state of abode simply will not issue a license to him as Jesus Christ, because they say the documentation on his name change is insufficient. Hence the attorney. May we offer a suggestion to Mr. Christ? Perhaps an affidavit from your Father . . .

■ "Diversity," "sensitivity," "inclusion" . . . The warm, viscous vocabulary of the multicultural project washes over us day by day, enervating and stupefying us until at last we yield, to watch passively as yet another familiar and cherished aspect of our culture is dismantled and hauled away to the dump. Most of us yield, anyway. Not so the citizens of La Jolla, Calif. In response to demands that the word "Christmas" be dropped from the name of their traditional annual parade to make the event more "inclusive," the La Jolla town council voted to keep the name just as it is. It will not become a Holiday Parade, a Winter Solstice Parade, or, as in the old Soviet Union, a Grandpa Frost Parade. It will remain a Christmas Parade. Thanks to the good people of La Jolla for thus standing athwart history; and God bless them, every one.

■ Man is one of the smelliest of all creatures, though the fact is not widely known. "There is little in the animal kingdom . . . to compare with the human armpit for olfactory potency," notes science writer Lyall Watson. Just so. It is an odd paradox, therefore, that we pay less attention to each other's odors than do other members of the animal kingdom. Mice, for example, communicate their sexual availability and intentions by means of odorifer-

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Lillian Hellman rolled over;
Alger Hiss groaned in his grave;
George had been raking up Yalta
Just before giving a wave
Tooling around in Vlad's Volga.
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From Stalin's stamping ground, Georgia.
Liberals found him unkind.

—W. H. VON DREELE

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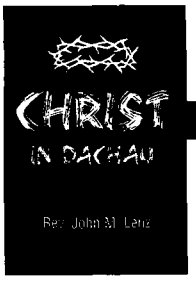

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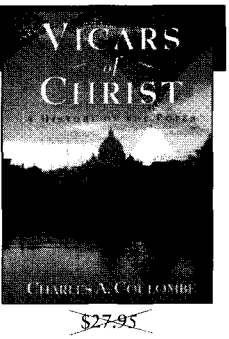

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THE WEEK...

ous chemicals called pheromones. Attempts by the perfume industry to market human pheromones have, however, all failed. The receiving apparatus, a specialized region of the nasal cavity called Jacobson's Organ, seems to have atrophied in our species. Or perhaps not. By dint of new, high-resolution brain-scanning techniques, researchers in Sweden recently found that the part of the brain controlling sexual behavior lights up when male subjects are exposed to estrogen-based odors, or female subjects to the smell of male sweat. The researchers further discovered that homosexual men have the female response, not the male one; though whether this is a cause of homosexuality, or an effect, remains to be determined. All very interesting, no doubt; but we'd prefer courtship among humans to continue to be based on something more refined than body odors, thanks all the same.

■ *Revenge of the Sith*, the last Star Wars film, is not in the theaters as we write, but reviewers have already spied digs at George W. Bush in it. Princess Padme's line, "So this is how liberty dies—to thunderous applause," could hardly be such a dig, because where has Bush been thunderously applauded recently? (Certainly not in Hollywood.) But Anakin Skywalker—"If you're not with me, you're my enemy"—seems to mock Bush's Terror War credo. J. R. R. Tolkien famously claimed to detest allegory, and this proves his point: At any level less rigorous than Dante, allegory can be about anything, or everything. Ripping yarns with moral messages work best when they occur in history (Alan Furst, Sir Walter Scott), or in fantasy worlds so densely imagined that they simulate history (Tolkien). Anything else loses touch with the texture of humanity, and degenerates to the level of a college bull session.

■ "Time is on my side," sang the Rolling Stones back in 1964. Given the well-publicized waywardness of their lifestyles, it did not seem very likely that time *was* on their side. You would have had to take long odds on a bet that any of them would still be alive 41 years later, never mind up to the rigors of a world concert tour. Here they are, though, three of them at any rate, on our TV screens to announce yet another world tour, grinning insolently at us just as they did when Barry Goldwater was running for president. To judge from their rather incoherent responses to reporters' questions, the road of excess does not lead to the palace of

A Coalition of Losers

CONSERVATIVES are patriotic, God-loving, and cheery. Liberals are meddlesome, secular killjoys.

Hey, don't take my word for it—I've got data to back me. The Pew Research Center for the People and the Press has released a big new report saying essentially just that. And, for a conservative, what can be more satisfying than learning that rigorous social science from a quintessential gitchy-goo outfit dedicated to Good Government & Other Nice Things confirms commonsense political stereotypes?

Obviously, you have to tease the data a bit, since Pew isn't much interested in declaring that the base of the Democratic party comprises precisely the sort of people who are most likely to ruin an interesting dinner conversation. But the numbers don't lie.

According to the study, "Beyond Red vs. Blue," the more pessimistic or cranky you are about America; the more you think the system's stacked against you; the more you think working hard is for suckers; the more you think only boobs fly the American flag; the more you believe religion's a waste of time—the more likely it is you're a Democrat.

Now, in this day and age when you're not supposed to speak in broad generalizations about any "class" of people, I must acknowledge that we are speaking in broad categories here. Obviously there are plenty of cheery, hardworking, flag-waving, devout Democrats out there. But they are the exceptions to the statistical rule.

Most interesting about the study is what it reveals about economic class in America. The stereotype perpetrated by generations of leftists is that the richer you are, the more conservative you are. Communists and most socialists say this is because we all vote our class interests. Liberals say this is due to the fact that conservatives are selfish, which is essentially the same point. But it's just not true. The largest segment of the Democratic base—Pew calls them "Liberals"—is about as well-off as the richest segment of the Republican base, the "Enterprisers." Forty-one percent of both groups make more than $75,000 per year (though there are many more "Liberals" than there are "Enterprisers"). The largest segment of the Republican base is the "Social Conservatives." They do all right financially, but not as well as "Liberals."

Meanwhile, moving down the income scale, what tends to separate Republicans from Democrats is their attitudes about America. If you think America is a place where hard work pays off, you're likely to vote for the GOP. Seventy-six percent of poor Republicans "believe that most people can get ahead if they are willing to work hard—and two-thirds . . . strongly express that view." Meanwhile, by a margin of 79 to 14 percent, poor Democrats "believe that hard work and determination provide no guarantee of success." Perhaps most amazing, this transcends the male-female distinction: Both demographics are in fact predominantly female.

Conservatives who whine that there aren't significant differences between the parties (you know who you are) should keep all of this mind. One doesn't want to be too harsh here, but in a completely non-judgmental, non-moralistic sense, one party is for losers, the other for winners. The rich people in the former party want the government to give the losers a hug and a trophy just for playing. The rich people in the latter party want to leave well enough alone. And therein lies all the difference.

—JONAH GOLDBERG

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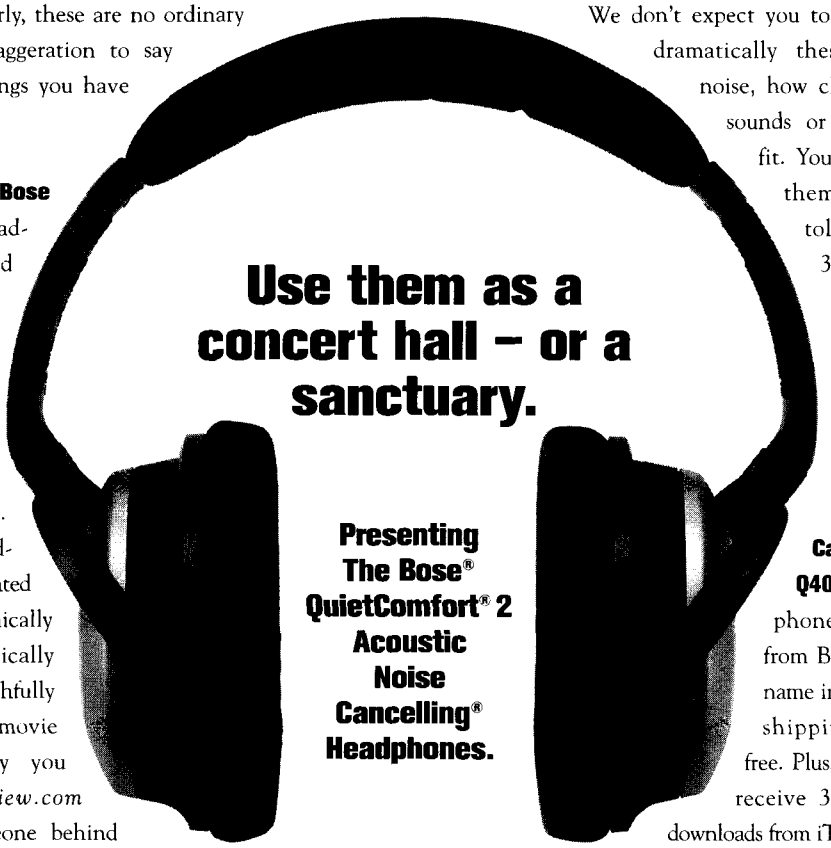

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wisdom as promised by Blake. Neither, however, does it necessarily lead to perdition, as our parents assured us. What it apparently leads to in this peculiar age is the uppermost reaches of the bourgeoisie, with large country houses, legions of servants, and solid investment portfolios. Did we co-opt the Stones, or did they co-opt us? History will judge.

MEDIA WATCH

Busted Flush

Oops, they did it again. The mainstream media have made another of their honest mistakes that just happen to hurt the Bush administration, or impugn the integrity of the U.S. military, or undermine our foreign policy, or—as in this case—all three.

Newsweek reporters Michael Isikoff and John Barry infamously reported that FBI e-mails complaining about the treatment of detainees at Guantanamo Bay included a report that a U.S. interrogator had flushed a Koran down the toilet, and that this allegation was confirmed in a forthcoming report by the U.S. Southern Command (SouthCom) in Miami, responsible for Gitmo. Both of these claims are false. Anti-U.S. fanatics seized on the report to stir up riots that have left more than a dozen people dead in Pakistan and Afghanistan and destabilized the Karzai government. *Newsweek* should not be blamed for the violence, but its May 9 "Periscope" item was irresponsible, and telling.

Isikoff maintains that no breach of journalistic ethics occurred. But *Newsweek* ran an explosive item based on a single source (who has backtracked since). The magazine didn't obtain the relevant text from the SouthCom report or have it read over the phone. It tried to confirm its story with a spokesman for SouthCom who refused comment. It showed the story to a defense official who corrected one assertion unrelated to the Koran incident, and didn't comment on the rest. On this basis, *Newsweek* ran with it. Worse, the story was written in such a way as to obscure the fact that it was relying on a single source for its most inflammatory allegation. If this represents *Newsweek*'s routine practice, then no one should ever again be so ready to believe a fact in the magazine preceded by that pregnant phrase, "NEWSWEEK has learned . . ."

Newsweek's panting to get the Koran incident in the magazine was related to the media's general frenzy over Abu Ghraib. The press loved that story, because they believed that it put the lie to Bush's idealistic foreign policy and exposed the nasty underbelly of the U.S. military. It was the contemporary media's version of My Lai. They obsessed over it, and their conventional wisdom remains that the abuses at Abu Ghraib were the product of orders from on high, although court-martial proceedings and ten military inquiries have all fingered the unauthorized wrongdoing of a few low-level goons and idiots. The media's faith that the entire chain of command was responsible—and not just for the appallingly loose command environment in the prison—remains impervious to falsification. It was this attitude that informed *Newsweek*'s reporting that erred in favor of believing the worst of the military.

Newsweek's editor has explained that the magazine tended to believe the Koran charge because similar allegations have been made by former detainees. But al-Qaeda detainees are trained to lie about their treatment, as we know from a training manual captured in Manchester, England, in 1998. In the new round of reporting on Gitmo that has been stirred up, it is possible that the media will discover instances of "culturally insensitive" treatment of detainees, perhaps even involving the Koran. This would in no way vindicate *Newsweek* in running its inadequately sourced, demonstrably false May 9 story.

Even if such incidents turn up, the fact is that the military has bent over backward to accommodate Muslim sensitivities at Gitmo. A January 2003 memorandum stipulates that only Muslim chaplains handle the Koran and do so wearing clean gloves. Excessive? Perhaps. But such rules are also a cost-free way for the U.S. to demonstrate that its fight is not with Islam, only with militants who murder in its name. Gitmo has been much more closely supervised and buttoned-down than Abu Ghraib. Tough, out-of-the-ordinary interrogation techniques were likely authorized by the chain of command and applied only to detainees who were connected to the 9/11 plot or thought to be in possession of important information. Pressuring them in ways that violated their cultural taboos—e.g., using female interrogators who acted suggestively—would be understandable given the circumstances.

The entire Koran controversy is regrettable, tragic even. But at least it strips bare once again the bias of the "prestige media." *Newsweek* has earned its spot right beside the *New York Times* and CBS.

POLITICS

Voting for Democracy

The Democratic position on the filibuster comes down to this: Senators should not be allowed to vote up or down on judges, because judges have to stay in the business of keeping voters from being able to decide policy issues. Anti-democratic ends justify anti-democratic means.

Almost everything else in the debate is a diversion. The text of the Constitution does not forbid the Senate to let the majority confirm judges, as Democrats preposterously insist; nor does it require it. Only somewhat less preposterously, the Democrats and their pundits have been arguing that the logic and structure of the Constitution support the filibustering of judges: The Constitution is designed to throw up counter-majoritarian obstacles to action. That's true at a high altitude of abstraction;

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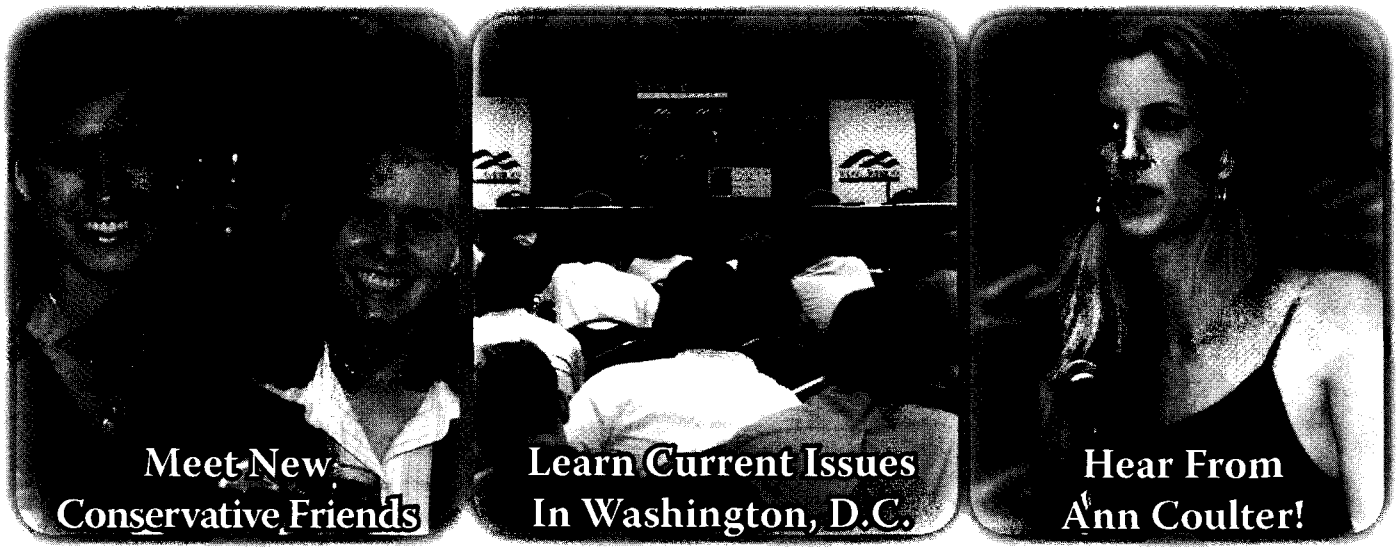

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it does not mean that the particular obstructionist device of filibustering judges is constitutionally required or wise. Filibusters have never been routinely used against judicial nominees—never, that is, until Senate Democrats decided to block as many of the important judicial nominees of this administration as they could.

There is no reason in principle to reject compromise. But no real compromise has been offered. Senate Democrats have floated various proposals, under all of which they reserve the right to filibuster "extremist" nominees. Their promiscuous use of the filibuster against "extremist" nominees demonstrates their elastic definition of the term. If Republicans accept these proposals, the Democrats will carry on filibustering—and Republicans will face the same choice as today. The Democrats' hope is that they will face that choice under worse circumstances than they do now. They are trying to buy time.

For Republicans to leave the filibusters in place now after months of demanding a change would be ignominious. The same pundits who are saying that the majority party should not insist on its prerogatives would turn around and say that the majority party is responsible and should be held accountable for everything the government does. More important, a surrender would tell everyone—conservative voters, Democratic senators and interest groups, and the White House—that Republican senators were irresolute in their support for judicial conservatism. It would thus set back the urgent cause of a reformation of the federal judiciary.

A majority of the Senate has to be able to set the body's rules. It would be unwise for it to do so without regard for the minority. After all, every senator will be in the minority on some issue, and every senator is one election away from the possibility of being in the minority most of the time. But when the minority abuses its privileges, the majority is called on to take corrective action. This is such a time.

The liberal minority in the Senate is trying to keep the courts in the business of imposing the left-wing agenda that the public won't vote for on its own. This project should be brought to an end—by bringing an end to the filibustering of judges.

THE WORLD

Yalta's Ghosts

A FIRST-RATE intelligence, wrote F. Scott Fitzgerald, can hold two opposed ideas in the mind at the same time, and still function. President Bush's trip to Russia was a first-rate intellectual and diplomatic exercise. He engaged Russia, while being frank about the past, and present.

Bush went to Moscow to join the Russians in commemorating the 60th anniversary of the end of World War II. He wanted to celebrate their military achievement and honor their huge losses; he wanted to cement a de facto alliance in at least certain aspects of the War on Terror (the Russians think the Chechens are bad; Saddam and the mullahs, not so bad, especially when they're paying cash). Bush also wanted to keep fresh what he believes to be a personal rapport with Russian president Vladimir Putin. Bush feels he is somehow on the same wavelength with the dour ex-KGB apparatchik. Let us hope so.

At the same time, Bush sandwiched the Russians between trips to Riga and Tbilisi, where he showed the Latvians and the Georgians that he approved their devotion to democracy (in the case of Georgia, a recent product of the 2003 Rose Revolution). This was an unsubtle signal to Putin, who has steered the post-Soviet state in an increasingly authoritarian direction, fortifying the power of the executive, co-opting Communist and extreme nationalist themes, and encouraging a muzzy nostalgia for the glory days of the CCCP. One example may suffice for all: Putin's favorite pop musician, Oleg Gazmanov, writes ballads hailing Stalin, Lenin, and the great liberal poet Pushkin, as if they were all the same sort of person. "All the nations that border Russia will benefit from the spread of democratic values," Bush said in Riga, "and so will Russia itself."

Bush made the most news by criticizing the Yalta Conference, the last summit between Stalin, Roosevelt, and Churchill. It "followed in the unjust tradition of Munich and the Molotov-Ribbentrop Pact," said Bush in Riga, and liberals jumped on him for traducing St. FDR. If Bush had focused narrowly on Yalta, they might have some case, for the Yalta conference was only a late stage in the long dynamic of an alliance in which the Anglosphere overlooked Stalin's crimes in return for his help. (For instance, Churchill's *Triumph and Tragedy* records an October 1944 meeting with Stalin at which they divvied up the Balkans on a "half-sheet of paper." Stalin ignored that agreement too.)

But Bush was criticizing a whole tradition of amoral great-power diplomacy. "When powerful governments negotiated, the freedom of small nations was somehow expendable. Yet this attempt to sacrifice freedom for the sake of stability left a continent divided and unstable." The comment must be reassuring to the Soviet empire's former captive nations, who have watched Putin nervously. It also clearly resonates with Bush's message to the Middle East, and to the Mubaraks and Sauds we have long propped up, for fear of something worse. Worse has come to our own shores, and we see the spread of freedom as an essential component in preserving our security. Liberals who profess to like democracy and conservatives who have long stressed its shortcomings should wake up: This president means what he says.

BRITAIN

Disappointments and Opportunities

FROM almost any conservative angle, Britain's election result is disappointing.

From the standpoint of a British conservative, the Tory party lost a third election and gained very little ground. From the standpoint of an American conservative, Tony Blair, who is a loyal friend of the United States, is noticeably weakened. From the standpoint of a foreign-policy conservative, Blair's troubles are a sign of weakening support for the U.S. across Europe, even in America's most reliable ally. And from the standpoint of a philosophical conservative, the upsurge of Liberal Democrat support in university towns

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in opposition to Blair's modest free-market proposal of "top-up" university fees flags the difficulty of reversing even the most indefensible free lunch offered by the welfare state.

But there are signs of conservative opportunities in the current situation.

First, there are a lot of voters now in play after the election results. Labour lost 6 percent of its 2001 vote. Many more voters—about 40 percent—did not vote at all. They are open to persuasion.

Second, the upcoming issues in this parliament are likely to be conservative ones that drive people to the right—for instance, the referendum on the European constitution. The biggest issue of all will be the fiscal crises against which the IMF warned during the campaign. The government will be unable to finance large injections of public money into failing public services from "stealth" taxes that nobody notices. On the contrary, massive bills for previous expenditures and regulatory costs will come due shortly. So Labour will have to either raise taxes sharply or cut back on spending, and in either event they will have to bring serious market reforms into health and other public services.

Most important, however, is that a spell has been broken in British politics. Until the morning after the election, almost everyone was stuck in a fatalistic acceptance of Blair and his party's dominance. It was hard to inspire anyone outside New Labour into serious thinking about politics, the economy, and foreign policy, because any such thoughts would apparently lead nowhere. Suddenly, a much wider range of options is open—and generally they are conservative options.

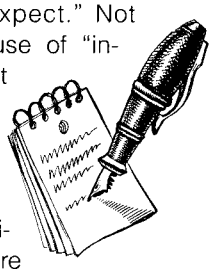
Unless the Tories make a series of avoidable errors, they can and will establish a "pole of attraction" on domestic issues that could drag a flailing Labour government in the direction of low taxes and limited government. And if the Tories act boldly on European defense and foreign-policy issues, they should counter the pole of anti-Americanism.

If they attain those two broad objectives even in part, conservatives of all stripes will find their present disappointments gradually evaporating.

notes & asides

■ Dear Mr. Buckley: In the March 28 Notes & Asides, Kelley Dupuis cites some pet peeves regarding the language. I have some of my own, after 40 years as a newspaper copy boy, reporter, editor, and publisher (and still a working stiff):

Using "impact" instead of "effect." Using "venue" (except in a legal sense) instead of "location." Not understanding the difference between "anticipate" and "expect." Not understanding the use of "include" to mean that not all items, persons, etc., are listed. Using "cement" when they mean "concrete" (cement is an ingredient of concrete). Failure to have verb tenses agree with their subjects, such as the often-misused "media." Not knowing that "criteria" and "criterion" are plural and singular. Unnecessarily using "in the month of" when listing months. Not knowing the difference between "alumni" and "alumnae." Using "over" instead of "more than." Using "at the present time" instead of "now." Not knowing the difference between "continuing," "continual," and "continuous."



And on and on. These are but a few of my pet peeves. Not all are included.

Best to you,
Robert R. Rodriguez
Cave Junction, Ore.

Dear Mr. Rodriguez: You are nicely warming up.

Cordially, WFB

■ Dear Mr. Buckley: The letter on "singlenounization" of the word "media" (Notes & Asides, April 25) reminded me of an article in a Royal Engineers surveying publication in the mid-'80s entitled "Data Is Not What They Used to Be." The writer said, "We do not talk about three data or 423 data, or of isolating one datum from the data." To illustrate his preference for treating the word "data" as singular, he pointed out that the word "news" used to be considered plural and went on to say, "During the Crimean War, John Thaddeus Delane, editor of *The Times*, cabled William Howard Russell, the first war correspondent: 'Are there any news?' Back down the wires the electric message came: 'Not a damned new.'"

The writer used these arguments to justify treating "data" as singular. If that is good enough for Her Majesty's surveyors and a few of her professors, who are we to argue? The same could be said for "media."

Hugh Caddess
San Antonio, Tex.

■ Dear Mr. Buckley: You can call off the hunt for the elusive "encephalophonic." I have it cornered in *Webster's Third New International Dictionary*, where the noun "encephalophone" is defined as "an apparatus that emits a continuous hum whose pitch is changed by interference of brain waves transmitted through oscillators from electrodes attached to the scalp and that is used to diagnose abnormal brain functioning."

I knew right where to look, because you provoked my search for that word a generation ago, when I first (and not last) encountered it in one of your books.

If it was used derisively about you, I can only infer that the reviewer's brain was set a-humming by a) his failure to follow your illaqueating logic, b) his dizzied awe at your manifold talents, and/or c) his inability to distinguish lexiphanicism from *lectio divina*. I say, keep it up. We could all do with more brain vibrations.

Cordially,
Julian Schmidt
Treynor, Iowa

Dear Mr. Schmidt: I could not have said it better myself!

Cordially,
—WFB

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Plato. (But British philosopher and mathematician Bertrand Russell described Plato as a "garden-variety" fascist.)

Aristotle, Plato's student, was possibly the most fruitful single mind in human history. Aristotle laid the foundations for virtually every science, and his treatises on friendship and the good life have never been surpassed. As Dr. Robinson concludes: "Aristotle makes quite clear that our character is shaped by our works. That is, we make ourselves into the sorts of beings we are in virtue of the manner in which we conduct our lives."

After Greece, the lectures explore the beginnings of Christian philosophy in the work of the Roman Stoics, the exceptional debt of civilization to Roman law and to Islamic scholars who preserved and extended Greek thought while Europe became a backwater in the "Dark Ages."

Early in the 17th century, Francis Bacon defends the scientific mode of knowledge. Experience and not speculation is the central source of learning. He observed that "words are but the pictures of matter," and that to fall in love with words was as mistaken as to "fall in love with a picture."

Bacon's program to rely on experience was not embraced by the genius René Descartes, inventor of analytic geometry. His division of the mind and the body has been a rupture in Western philosophy ever since. Professor Robinson describes one reply to Descartes's proof of his own existence:

"The Scottish 'common sense' philosopher Thomas Reid is kidding around a bit when he gets to Descartes's famous '*Cogito, ergo sum.*' Descartes would not accept his own existence until he could come up with a very good rational argument that culminates in a conclusion that he exists. Reid says a man who disbelieves his own existence is no more fit to be reasoned with than one who thinks he's made of glass."

The course carefully examines the thought of Hobbes, Locke, Rousseau, and Reid and their impact on government and particularly the new democracy in America.

The Enlightenment program of scientific knowledge undermined the possibility of human freedom because a world completely determined by material causes made freedom an illusion. The course examines the ongoing debate, exemplified by the conflict between Hume and Kant, over whether there can be any truly moral acts taken in a causally determined world. And the course shows how this debate is amplified in the German Romantic thought of Goethe and Schiller, in which freedom becomes the defining feature of human being. In Nietzsche, the lectures show how the argument for freedom takes on a full, dark, and possibly more honest aspect.

The course also examines the collision between the inherently social understanding of meaning created by Wittgenstein and the vastly different estimation of human thought created by the code-breaking genius Alan Turing—and the subtle reply to him from American philosopher John Searle.

Further lectures, unique to the second edition of this course, examine the concept of reality itself, plus ideas of "natural law" and "moral reality." Do these concepts exist in the larger universe independent of us or our sentiments? How do such "moral" problems impact medical and ethical decisions? Is war ever justified?

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Finally, after exploring the concepts of aesthetics and beauty, we turn take a concluding look at history's greatest theological debates about the existence of God.

About Your Professor

Daniel N. Robinson is Distinguished Research Professor Emeritus at Georgetown University, where he taught for 30 years. He is a member of the Philosophy faculty of Oxford University. Dr. Robinson is author or editor of over 40 books.

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LBJ with Abe Fortas

■ CAPITOL HILL ■

The Record

What sort of filibustering has taken place in the Senate, where judicial nominations are concerned?

BYRON YORK

One of the most heated rhetorical battles in the war over Democratic judicial filibusters concerns the question of whether those filibusters are "unprecedented." Look in the Nexis database, and you'll find hundreds of examples of Republicans saying yes, the filibusters are unprecedented, and Democrats saying no, they're not.

One thing that can be said for certain is that if there is precedent for the Democrats' actions, there isn't much of it. For all the disagreement, the argument boils down to just three cases: the failed 1968 nomination of Abe Fortas to be chief justice of the United States and the successful Clinton-era nominations of Richard Paez and Marsha Berzon to the Ninth Circuit Court of Appeals.

First Fortas. Appointed to the Court in 1965, Fortas was Lyndon Johnson's choice to move up to chief justice when Earl Warren retired. But that required another Senate confirmation, and during that process, Fortas was opposed by conservative Republicans and Democrats who were unhappy with his record on the Court. Perhaps more important, Fortas found himself the target of a number of serious ethics charges that would ultimately lead to his departure from the Court.

When the nomination reached the Senate floor, Fortas's opponents wanted plenty of time to air their case. Supporters wanted as quick a vote as possible. The opponents announced a filibuster—a tactic without precedent in judicial confirmations. "Never has the Senate refused the basic courtesy of speaking to the merits of a nominee," Mike Mansfield, the Montana Democrat and Senate majority leader, told his colleagues. "I can envision no circumstances that would justify the rejection of this Senate precedent. One should ponder deeply before overturning 180 years of experience."

The filibuster quickly revealed that Fortas did not have much support; when the vote came to cut off debate and proceed to an up-or-down vote, just 45 senators voted in favor of moving the nomination forward. It was far fewer than what was needed to break the filibuster. Johnson withdrew the nomination almost immediately; Fortas left the Court altogether a few months later.

In recent months, some Republicans, most prominent among them the former White House counsel C. Boyden Gray, have argued that the Fortas case wasn't a real filibuster. "What a filibuster is, is an extended debate," Gray explained at a Washington news conference in early May. "With the case of Fortas, he was on the floor only five days. There was a cloture vote, which I think was really more in the nature of a test vote."

Gray has pointed out a number of ways in which the Fortas case differed from today's filibusters. For one thing, back in 1968 the opposition's goal appeared to have been to prolong debate in order to better expose Fortas's shortcomings—and then to kill the nomination in a regular vote. For another thing, senators were not divided along party lines; there were opponents of Fortas in both parties. For yet another, it is not at all clear that Fortas had the support of a majority of senators, as all of Bush's nominees do. And, of course, the case involved the Supreme Court, as today's filibusters do not.

Still, it *was* a filibuster—as Mansfield said, the only one in 180 years of Senate history. Then, in 2003, the Democrats began a campaign of filibustering Bush nominees. They quickly filibustered not one, not two, but ten Bush nominees to the federal courts of appeals—a systematic use of the filibuster to block a slate of candidates that was, in fact, unprecedented. Also, the Democratic filibusters were organized by party leadership as part of party policy—another difference from the Fortas matter.

The two other cases cited by Democrats as "precedent" for their filibusters are the 1996 nomination of Richard Paez, a U.S. district-court judge in California who was chosen by Bill Clinton for a seat on the Ninth Circuit Court of Appeals, and the 1998 nomination, also to the Ninth Circuit, of San Francisco lawyer Marsha Berzon.

Paez had plenty of opponents among Republicans. They didn't like how he had spoken publicly—an unusual move for a federal judge—against California's Proposition 209, which ended the state government's use of affirmative action in education and hiring. They didn't like how he had thrown out a Los Angeles law forbidding "aggressive panhandling," contending that it violated the First Amendment's guarantee of freedom of speech. And later, they didn't like his role in a slap-on-the-wrist plea bargain in the case of John Huang, one of the key figures in the Clinton fundraising scandals. As

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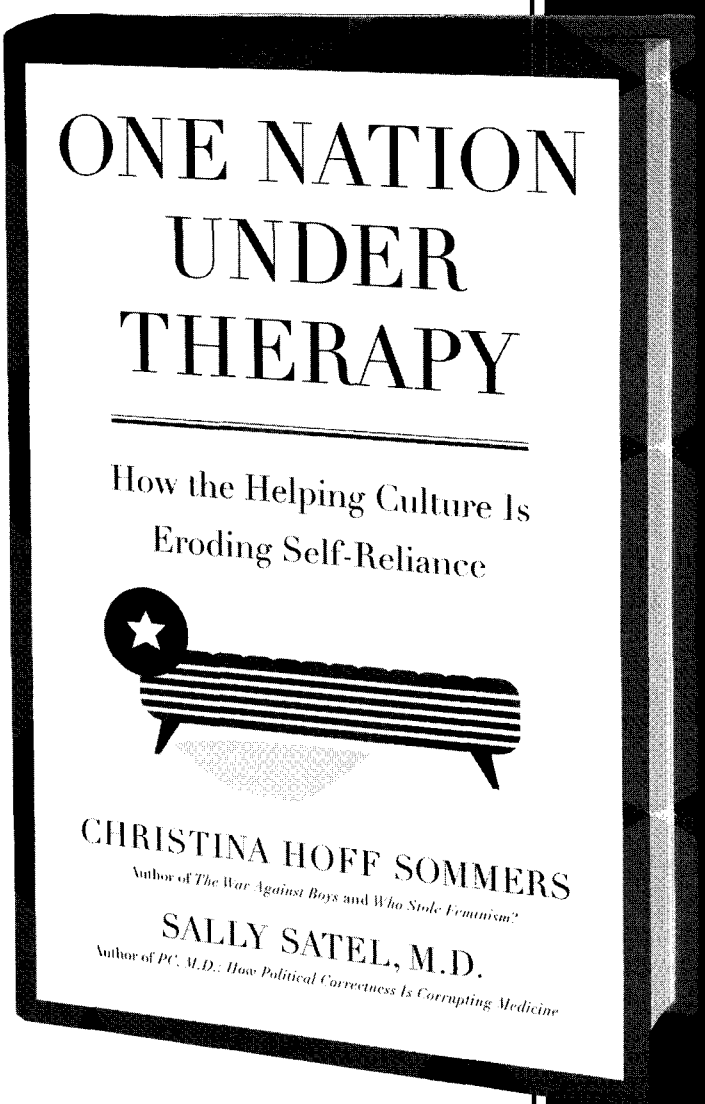
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for Berzon, Republicans objected to the liberal causes she had promoted while working on behalf of the American Civil Liberties Union.

Republicans—the majority party then, as now—stalled both nominations in the Senate Judiciary Committee, where they sat for more than three years in the case of Paez and more than a year in the case of Berzon. Clinton and others in his administration complained loudly that both nominees were being mistreated by the committee, demanding that they be given votes in the Senate. In 1999, Republican senators Arlen Specter and Orrin Hatch responded to the president's criticism, voting with Democrats on the Senate Judiciary Committee to approve Paez and Berzon and to send the nominations to the full Senate.

That's when the filibuster talk started, led by New Hampshire Republican Bob Smith. Smith told the Associated Press that he would try to block both Paez and Berzon, because "I think they are activist judges. I think they are out of the mainstream of American thought and I don't think either one should be on the court"—a description that sounds remarkably like the words used by Democrats today to describe Bush judicial nominees.

But Smith's effort to organize a filibuster did not attract much support from his fellow Republicans. Then-majority leader Trent Lott announced that, while he opposed Paez and Berzon and would vote against them, he was not in favor of denying them a vote on the Senate floor. "My feeling is that we should not start filibustering these nominations," Lott told the AP. When Smith's filibuster attempt was put to a vote, it lost big: 85 to 14 in the case of Paez and 86 to 13 for Berzon. In the Paez vote, 40 Republicans joined Democrats in voting against a filibuster; for Berzon, it was 41. There was never any filibuster, because Republicans would not support it.

The nominations then went on to a final vote in the Senate. Paez was confirmed on a 59 to 39 vote and Berzon on a 64 to 34 vote. In each case, more than two dozen Republicans who had originally voted in favor of giving the nominees an up-or-down vote ended up voting against them. "He did not want to have a meltdown in the process," recalls one GOP aide of his boss, who voted against a filibuster, and then against Paez and Berzon. "He thought that would be blood-in-the-streets war, and we shouldn't do it."

Still, today some Democrats claim that Republicans filibustered Paez and Berzon. "They did filibuster judges," Sen. Charles Schumer told Fox News in April. "Paez, Berzon were filibustered in 1999 and 2000." But as much as Schumer and other Democrats might want to use Paez and Berzon as a precedent, that is simply not correct. They were not filibustered.

After the Paez and Berzon votes, there was no more talk of filibusters until Democrats—the *minority* party, unlike the Republicans in the Clinton years—began blocking Bush nominees in 2003. As opposed to Paez and Berzon, and even Fortas, the Democratic efforts are real filibusters by party leaders to kill nominations by never allowing them a vote on the Senate floor.

In fact, Democrats did not even pretend that they wanted to extend the debate on the merits of the filibustered nominees. In April 2003, for example, after Democrats filibustered the nomination of Miguel Estrada to a seat on the D.C. Circuit Court of Appeals, they announced that they would launch a second filibuster against Priscilla Owen, the president's choice for a seat on the Fifth Circuit. Speaking on the Senate floor, Republican Robert Bennett asked Democrat Harry Reid, who was at the time the minority whip, how much time Democrats would like to debate the nomination.

"I ask unanimous consent that there be an additional six hours for debate on the Owen nomination," said Bennett.

"I object," said Reid.

"I modify the request to ten additional hours," Bennett answered, offering more time.

The presiding officer of the Senate asked whether there were any objections. "Yes," said Reid. "There are more productive things that could be done during those ten hours." Reid suggested moving on to other, "noncontroversial" judicial nominees. He would not even talk about Owen. When Bennett said to Reid, "I ask if any number of hours would be sufficient for the senator from Nevada," Reid answered, "There is not a number in the universe that would be sufficient."

And with that, Owen was filibustered. And soon there were others, for a total of ten. No matter what anyone said, that had never, ever, happened before. **NR**

■ **AT WAR**

GI Jane, Again

The Army tries to sneak women into combat, and some congressmen try to stop it

MACKUBIN THOMAS OWENS

Last year, the U.S. Army redesigned its combat brigades into "units of action": task-organized, self-contained organizations that include support troops—or forward support companies (FSCs)—embedded within them. The change was designed to make our troops more rapidly deployable. Unfortunately, it has been adulterated by a bow to political correctness that threatens to attenuate the military's effectiveness.

Current regulations prohibit women from ground combat—a prohibition that also applies to women in FSCs. Nevertheless, the Army, claiming that there are not enough men to fill positions in the FSCs, has begun to assign women to them. Army leaders claim that this change is consistent with current regulations, and that Defense Department rules bar women from FSCs only during moments in which those units are "conducting" combat. The implication is that women would be withdrawn from them before the onset of hostilities.

House Armed Services Committee chairman Duncan Hunter (R., Calif.) is not amused by this novel interpretation. Accordingly, he asked Rep. John McHugh (R., N.Y.) to introduce an amendment to the defense-authorization bill that bars women from serving in FSCs. This legislative effort is well founded. There are good reasons for women not to be involved in ground-combat support.

To understand these reasons, one must understand that the fundamental nature

Mr. Owens is an associate dean of academics and a professor of national-security affairs at the Naval War College in Newport, R.I.

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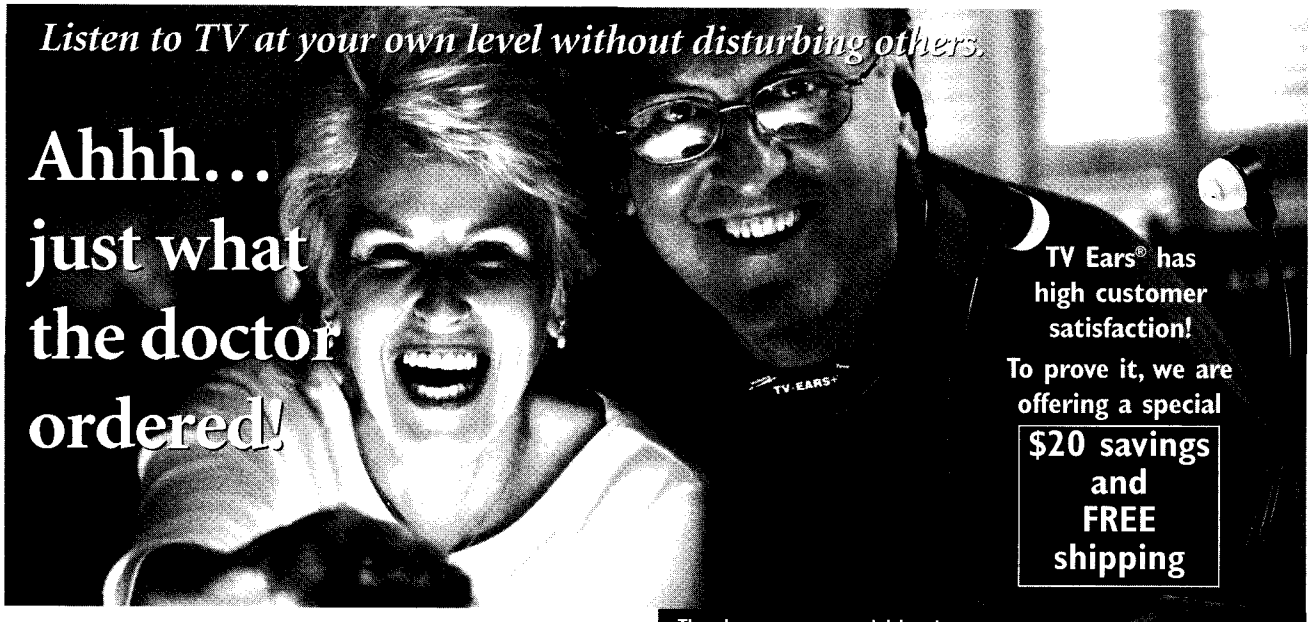

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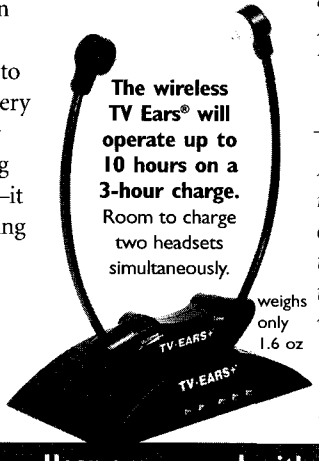

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of war, so well described by Carl von Clausewitz 170 years ago, has not been significantly altered by technological advances. It is still, as Clausewitz wrote, a complex phenomenon, highly influenced by chance and uncertainty.

An important element of war is "friction," which Clausewitz described as "the only concept that more or less corresponds to the factors that distinguish real war from war on paper." Clausewitz used the term "friction" to describe the cumulative effect of the small, often unnoticeable events that are amplified in war, producing unanticipated macro-effects:

> Countless minor incidents—the kind you can never really foresee—combine to lower the general level of performance, so that one always falls far short of the intended goal. . . . The military machine—the army and everything related to it—is basically very simple and therefore seems easy to manage. But we should keep in mind that none of its components is of one piece: each part is composed of individuals . . . the least important of whom may chance to delay things or somehow make them go wrong. . . . This tremendous friction, which cannot, as in mechanics, be reduced to a few points, is everywhere in contact with chance, and brings about effects that cannot be measured, just because they are largely due to chance.

The military tries to reduce the natural friction of combat through training, discipline, regulations, orders, and what Clausewitz calls "the iron will of the commander." One particularly important way of countering friction is to promote unit cohesion. Unit cohesion in combat is far more than just "teamwork." Cohesion arises from the bond among disparate individuals who face death and misery together. This bond is akin to what the Greeks called *philia*—friendship, comradeship, or brotherly love.

There is substantial evidence to suggest that the presence of women in combat would undermine unit cohesion and thereby increase friction. Indeed, friction resulting from the presence of women in the military has already manifested itself in three ways: problems arising from physical differences between men and women; the emergence of double standards that result from these physical differences, undermining fairness and trust; and the replacement of *philia* by *eros*. All of these factors undermine morale and may lead to failure on a future battlefield.

As I wrote in these pages in December, a major source of increased friction is traceable to innate differences between the bodies of men and women. A partial catalogue of these differences would include the following facts: The female solider is, on average, about five inches shorter than the male soldier. She has half the upper-body strength, lower aerobic capacity, and 37 percent less muscle mass. She also has a lighter skeleton, which leads to a higher incidence of structural injuries than among men. These differences have had an adverse effect on the U.S. military's effectiveness. They are also excellent reasons to keep women out of FSCs. Women may be able to drive five-ton trucks, but need a man's help if they must change the tires. Women can be assigned to a field-artillery unit, but often can't handle the ammunition. These are exactly the sorts of physically demanding jobs a mechanic in an FSC would be expected to perform.

Second, the physical differences between men and women have generated a series of undeniable double standards in the military. In practice, the desire for equal opportunity usually becomes a demand for equal results, and brings about a watering down of standards in order to accommodate women's generally lower physical capabilities. No one can deny that "gender norming" is widespread in the military. In fact, every service has lower physical standards for women than for men.

Unfortunately, this practice undermines morale by attacking the crux of the military ethos: fairness. Such double standards cause resentment in many military men, a resentment that leads to cynicism about military women in general—even those who have not benefited from a double standard and are performing their duties with distinction.

Finally, one consequence of having men and women live in close proximity under battlefield conditions is to unleash *eros* on an institution that depends for success on *philia*. Unlike *philia*, *eros* is individual and exclusive. *Eros* manifests itself as sexual competition, male protectiveness, and favoritism. As former secretary of the Navy James Webb has observed, "[T]here is no greater or more natural bias than that of an individual toward a beloved. And few emotions are more powerful, or more distracting, than those surrounding the pursuit of, competition for, or the breaking off of amorous relationships."

Only a feminist ideologue (or a P.C. military officer) would deny the destructive impact of such relationships on unit cohesion. Does a superior order his or her beloved into harm's way? What happens to morale and unit cohesion when the superior demonstrates favoritism toward the beloved? What about when jealousy rears its head? And what about the possibility that favoritism will be perceived, even when it does not exist?

Social engineering cannot change the fact that men treat women differently than they treat other men. Research shows that romantic relationships among co-workers do not enhance efficiency, and in many cases adversely affect morale and teamwork. But while lives are not at stake in the civilian workplace, they are at stake in military combat.

Of course, there have been incidents in Iraq in which women have performed well in a combat emergency. The mainstream media have tended to fixate on these incidents. ABC News aired a story in March about a woman in a National Guard military-police unit, and the *Washington Post* had a similar piece after a House subcommittee voted to bar women from FSCs. But such isolated cases don't refute the general argument that widespread assignment of women to combat units would be dangerous because of its impact on unit cohesion and morale.

Apart from questions of the military's effectiveness, there's one last issue to consider: By and large, most women in the Army and the other services don't want to be assigned to combat units or the support units embedded with them. If the Army is worried about not being able to recruit enough women, then putting women on the slippery slope to combat assignments surely isn't the best way to solve the problem.

As Elaine Donnelly of the Center for Military Readiness has remarked, the question of women in combat is not a "women's issue"; it is a national-security issue. That's something we should all be concerned about—and Congress is right to get involved. **NR**

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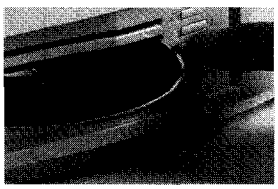

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■ PUBLIC POLICY

The Latest Amnesty

McCain and Kennedy make a bad pair on immigration

MARK KRIKORIAN

Sens. John McCain and Ted Kennedy recently unveiled legislation that would give legal status—amnesty—to 10 million illegal aliens, and create a guest-worker program to admit even more foreign workers. They have an impressive collection of congressional supporters and interest groups behind them. But a bipartisan endorsement list can't hide the fact that this bill is a hoax we've seen before.

In essence it is the same as the 1986 Immigration Reform and Control Act: amnesty up front for millions of illegal aliens, and promises to enforce immigration law. Such promises are quickly abandoned—but in 1986, people didn't know that yet.

There was a sense then that the reform was a grand bargain—closing the back door by prohibiting the employment of illegal immigrants for the first time ever, but tying up the loose ends of prior policy missteps with an amnesty. But that bargain was never consummated. Over a period of several years, nearly 3 million illegal aliens (from a total of 5 million at the time) received amnesty, but the centerpiece of the enforcement side of the deal—the prohibition on employing illegals—could not possibly succeed, since the immigration service was not required to develop a system enabling legitimate businesses to determine who was actually authorized to work. Even this deeply flawed system managed to keep some illegals from getting hired, but that outcome only incensed the anti-borders crowd, which successfully lobbied for the system's abandonment a few years later.

The result of the amnesty was completely predictable: a profusion of fraudulent documentation, a doubling of the illegal population (to more than 10 million), and the normalization of illegal immigration, something that had been widely considered unacceptable only a few years before.

This is what McCain and Kennedy have repackaged and are trying to sell. The amnesty part of their proposal works this way: Illegal aliens are dubbed legal workers, and after a six-year period of indenture—plus some fines, background checks, and an English and civics test—they (and their families) get green cards. This is similar to how the last amnesty worked, except for the six-year wait; the 1986 law amnestied those who had already entered the country before a certain date, some four years prior to the law's passage. Thus the McCain-Kennedy proposal is a prospective amnesty, while the 1986 measure was a retrospective amnesty.

The bill's guest-worker provision allows 400,000 new foreign workers a year, with an escalator clause if businesses snap up the cheap, docile workers faster than expected. These "temporary" workers would have to serve only a four-year period of indenture before they, too, could get green cards. To accommodate them, legal-immigration quotas would be increased by that 400,000 per year.

The enforcement sections of the bill are laughably thin. The section on border security is almost a parody of a Washington cop-out: It orders up yet another "National Strategy for Border Security" (rather than picking one of the previous strategies and implementing it), plus an advisory committee, two coordination plans, and various other reports and programs and multilateral partnerships.

Other provisions almost seem intended to hobble enforcement. Though the law provides for a system to verify employment eligibility, it instructs the Social Security Administration to reinvent the wheel rather than simply expand on the successful pilot system that the immigration service has been developing for over a decade. The job of auditing firms for compliance with the immigration law would be taken away from immigration agents and given to the Labor Department, perhaps the only agency even less capable of doing it. And the bill specifically says that it does not give state and local cops any new authority to enforce immigration law.

Since the goal of an illegal immigrant is to enter and stay in the United States, anything that legalizes his presence is a reward.

Supporters of the McCain-Kennedy proposal deny that it's an amnesty, pointing to the fact that illegals must pay a modest fine before they are legalized. But since the goal of an illegal immigrant is to enter and stay in the United States, anything that legalizes his presence is a reward; the fine is just a retroactive smuggling fee paid to the U.S. government.

Even the French have figured all this out. Dominique de Villepin, France's interior minister, was asked recently whether his country would stage another amnesty, as it did in 1981 and 1997. "It's out of the question," he said. "Each time, it creates a chain reaction and a wave of new arrivals."

Each of the McCain-Kennedy proposal's two elements is based on a false premise: The amnesty portion assumes that the only choices before us are mass roundups or legalization, and the guest-worker section assumes that our vast, 21st-century economy can't function without a constant flow of high-school dropouts

Mr. Krikorian is executive director of the Center for Immigration Studies.

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from overseas. Neither of these assumptions is true. Only a policy of attriting the illegal population through consistent, comprehensive enforcement will enable us to manage immigration successfully in the long run, as the free market replaces illegal workers with a mix of higher wages and mechanization.

Despite the long list of interest groups behind the McCain-Kennedy amnesty, its odds aren't good. John Cornyn, chairman of the Senate's immigration subcommittee, doesn't like it; he contrasted the bill's "work and stay" approach to his preferred model of "work and return," which would import millions of foreign workers in the (mistaken) belief that they would go home when their contracts expired.

What's more, the Senate recently defeated a more narrow amnesty proposal from Senators Kennedy and Larry Craig that would have given legal status to illegal-alien farm workers and their families. That smaller plan was backed by the industry groups most passionately seeking amnesty. But if there weren't enough votes to pass it in the Senate that time, the much broader McCain-Kennedy amnesty is an even longer shot.

On the House side, a new pro-borders majority among Republicans, energized by its victory on the Real ID Act, will fight the amnesty tooth and nail. The White House, meanwhile, is concerned that supporting this bill—which is an amnesty even by the president's narrow definition—could cause a "read my lips"–style blowup among conservatives.

Perhaps most important, the public is increasingly concerned about immigration. Although immigration has rarely been among the top two or three issues for voters, that seems to be changing. Recurrent reports of terrorists and super-violent gang members exploiting our broken immigration system are finally getting people's attention. The Arizona-based Minuteman border-watch program's resonance on talk radio, its spread to other states, and its embrace by prominent politicians like California governor Arnold Schwarzenegger are all signs that the McCain-Kennedy amnesty may well be the last gasp of the anti-borders crowd. **NR**

■ **CULTURE WATCH**

Degrees of Honor

Whom colleges reward, says a lot

ROGER KIMBALL

Most colleges that grant honorary degrees would endorse the sentiment, expressed by a Cambridge University spokesman, that "an honorary degree is the highest accolade the University can give." So what does it mean that Hamilton College decided to bestow this garland of official commendation on Mary Bonauto, the activist lawyer and former director of the Boston-based Gay & Lesbian Advocates & Defenders (GLAD)? Ms. Bonauto, who graduated from Hamilton in 1983, was in the public eye most recently when she successfully argued the case for same-sex "marriage" before the Massachusetts supreme court in 2003. It was for this act of benevolence that a friend of mine described Bonauto as "one of the foremost legal threats to the institution of marriage as we know it in the Western tradition."

Bonauto's great rhetorical feat in the case in question, *Goodridge* v. *Department of Public Health*, was to get the court to believe that same-sex "marriage" was a civil-rights issue. Here's the reasoning: Marriage brings a wide variety of social benefits to the married couple, ergo if Mary Jo is not allowed to marry Mary Grace, they have been discriminated against. Just like the blacks when there was slavery.

Yes, yes, I know: As an argument it is pitiful. But it populates the world with illusory rights and pushes all the buttons liberals thrill to push. "Oh my God, have we really been discriminating against an entire subpopulation for all of recorded history? *Mea culpa, mea maxima culpa.* Let's change the law. Right now."

The technical term for Ms. Bonauto's argument is hornswoggle. No one says that homosexuals may not marry. They just may not marry someone of the same sex. Why? Because "marriage" means the union of a man and a woman. (Not just any man and woman, of course: You may not marry your sister or brother or father or mother; in many places you may not marry your first cousin.) To pretend otherwise is to indulge in the Humpty Dumpty approach to semantics: "But 'glory' doesn't mean 'a nice knock-down argument,' Alice objected. 'When *I* use a word,' Humpty Dumpty said in rather a scornful tone, 'it means just what I choose it to mean—neither more nor less.'"

Nice work if you can get it, but not something that should impress a judge.

Before we indulge in too much admiration for Bonauto's rhetorical skills—perhaps "sophistical skills" would be more accurate—it is worth noting that in this case she was greatly aided by the fact that she was addressing a court extremely well disposed to the issue of same-sex "marriage." The chief justice of the Massachusetts supreme court is Margaret Marshall, a vocal friend of the idea of same-sex "marriage." It is almost too good to be true, but it *is* true: Justice Marshall is married to Anthony Lewis, the Frank Rich of yesteryear, the man who for decades held down the left flank on the editorial page of the *New York Times*. It's the Empedoclean principle of like-flocking-to-like in action.

A Hamilton College news release touts Ms. Bonauto's role as lead counsel in *Goodridge*, but it does not dilate on her efforts a few years before in the so-called "Fistgate" scandal. In March 2000, a statewide conference called "Teach-Out" was held at Tufts University. Sponsored by the Massachusetts Department of Education, the Governor's Commission on Gay and Lesbian Youth, and the Gay, Lesbian and Straight Education Network, the conference invited teenagers and children as young as twelve from around the state to participate in workshops on such themes as "Ask the Transsexuals," "Early

Mr. Kimball is managing editor of *The New Criterion*. The latest of his books is *The Rape of the Masters*, about what contemporary academicians have done to art.

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Childhood Educators: How to Decide Whether to Come Out or Not," "Diesel Dykes and Lipstick Lesbians: Defining and Exploring Butch/Femme Identity," "The Religious Wrong: Dealing Effectively with Opposition in Your Community," and "Starting a Gay/Straight Alliance in Your School." One alarmed parent taped some of the proceedings—to no avail, for Ms. Bonauto found another sympathetic judge who issued a gag order preventing the distribution of the tape. They grow a very special sort of judge in the People's Republic of Massachusetts.

I very much doubt that Hamilton will go into this episode when they confer the baccalaureate, *honoris causa,* on Mary Bonauto. What I'd like to know is what parents, proudly assembled to witness Hamilton's commencement exercises, would make of Mary Bonauto's activities if they knew about them? And how about Hamilton's alumni: Would they be happy to see their alma mater honoring this radical activist? What about Hamilton's trustees, a group that is rapidly emerging as the dead-letter office of American higher education? Isn't anyone *ever* at home there?

What is it with Hamilton College, anyway? Are its leaders actually *trying* to make it look ridiculous? Or is the fact that Hamilton has become a recruitment poster for the dysfunctional American college the product of simple incompetence fueled by radical left-wing animus? I do not know the answers to these questions. It's a bit like Robert Frost's poem "Fire and Ice": Some say the place was ruined intentionally, some say it was stupidity goaded by radicalism. I hold with those who pick the latter. But either would suffice. You certainly would have to work a lot harder than most tenured professors are accustomed to working if you wanted to bring more shame and obloquy on an institution than Hamilton has had to bear in the last few months.

A brief refresher: In December, Hamilton invited Susan Rosenberg, late of the Weather Underground, to teach a month-long seminar as an "artist/activist-in-residence." As readers will recall, Ms. Rosenberg was catapulted to fame in 1981 when she and some fellow radicals held up a Brinks armored car near Nyack, N.Y. They murdered a Brinks guard and, in attempting their getaway, two police officers. Ms. Rosenberg was indicted for involvement in this crime but wasn't prosecuted because, in 1985, she was sentenced to 58 years for using false identification and possessing automatic weapons and 740 pounds of high explosives. Rosenberg had served 16 years when Bill Clinton, on his last day in office, commuted her sentence. Now she is trotting

Mary Bonauto

around the country denouncing the United States at a college campus near you.

But not at Hamilton. For when the college, which is just down the road from Nyack, announced the appointment—cleverly timing it to coincide with the announcement of their latest capital campaign—the roof caved in. Quite right, too. Why was a liberal arts college inviting a felon to teach? Why, for that matter, did Hamilton have an "artist/activist-in-residence" program to begin with? Do parents have to pay nearly $40,000 a year to turn their children into left-wing, America-hating activists? The outcry from the media, parents, and alumni eventually forced Rosenberg's withdrawal.

Then, in January, came the Ward Churchill affair. Everyone now knows about the faux-Indian tenured professor at the University of Colorado at Boulder who described the victims of September 11 as "little Eichmanns," i.e., Nazi bureaucrats. What better chap to invite to lecture at Hamilton College? The folks at Hamilton managed to create havoc at two institutions with that brainstorm. Boulder was in an uproar over the incident (the invitation is what brought to light his earlier essay). Even the governor of Colorado weighed in angrily. Churchill has yet to be relieved of his tenured position, but he has been removed as head of the "ethnic studies" department (how do you spell "bogus"?), and the president of his campus has had the grace to resign and slip away into obscurity.

Joan Hinde Stewart, the president of Hamilton, has not yet exhibited such grace. Nor have her lieutenants, dean of the faculty David C. Paris and Nancy Rabinowitz, a former teacher of Mary Bonauto and former head of the Kirkland Project for the Study of Gender, Society and Culture, the left-wing organization that was responsible for inviting Rosenberg and Churchill to campus. The troika still presides at Hamilton, a sort of academic alternative to the Three Stooges: Rabinowitz to cook up the harebrained, college-blighting schemes; Paris to help her implement them; and Stewart to wring her hands and temporize when they explode in her face.

In a way, it is unfair to single out Hamilton College. In its addiction to leftist pieties, it is really no different from many, probably most, other institutions of higher education in this country. It has simply been unlucky in its public relations lately. One conservative student who was a member of Hamilton's Trustee Committee on Honorary Degrees last year told me that he was urged to avoid "contentious candidates." But at Hamilton, as elsewhere, contentious candidates come in two flavors. There are conservatives, who are "contentious" by definition and therefore unacceptable, and then there are radicals who have devoted themselves to the destruction of some aspect of American society, and who are therefore embraced as champions of "diversity" and freedom. It's a mug's game, but that, alas, is what has happened to academic life today. How long, Lord, how long? **NR**

PHOTOGRAPHER SHOWCASE

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■ THE WORLD

'No One's Liberty Is Expendable'

Bush remembers WWII in his distinctive way

JOHN O'SULLIVAN

London—Prague—Budapest

CENTRAL and Eastern Europe is a good vantage point from which to judge President Bush's recent visit to Moscow for the anniversary of VE Day—and the resulting debate over Yalta and the value of his democracy project. After all, Prague and Warsaw were the flashpoints that prepared and ignited World War II. Britain and France declared war on Germany in September 1939 because the German army had crossed the Polish borders the Allies had guaranteed six months earlier (in response to Hitler's seizure of the rump of Czechoslovakia). Poland was one of the four nations that fought in World War II from start to finish (the others were Britain, Germany, and the USSR)—first in the invasion of Poland, then in the RAF, later in the Polish army recruited from Stalin's gulag and sent via Persia and South Africa to southern England to prepare for D-Day, and throughout the war in an astonishingly brave and resilient Polish Home Army. When in 1946 "Chips" Channon, the Chicago meat-packing socialite heir and British Tory MP, gestured around the room at a smart London society wedding and said with fatuous snobbery, "This is what we have been fighting for," Emerald Cunard replied, "Oh, are they all Poles?"

For, by then, the Poles had been, well, not forgotten exactly, but pushed very firmly down the memory hole, along with the other faraway nations passing behind the Iron Curtain. Only a handful of MPs (among them, to his credit, the future prime minister Alec Douglas-Home) voted against the Yalta treaty in the House of Commons. Poland had been occupied by the Red Army, and Stalin's Communist quislings were imposed on the stricken nation. Hungary enjoyed a brief illusion of democracy—and elected conservative smallholder parties rather than the socialists allegedly favored by history—before the minority Communists seized full power under the gaze of the Red Army. And the Czechs fell to a classic Communist coup. That completed the Cold War division of Europe which would last 40 years. It is a history that makes it hard to celebrate the anniversary of VE Day with unqualified rapture in Warsaw, Prague, Budapest—or Moscow.

That is why President Bush was right to begin his visit not there but in Riga, Latvia—and even more right to mark the event with a speech conceding that the Baltic and East European states had not been liberated in 1945 but had merely passed from one despotism to another. In choosing to visit one of the Baltic republics, moreover, he reminded people of the reality not only of 1945 but also of 1939–40. For World War II began when Hitler and Stalin agreed to divide up Europe between them in the Nazi-Soviet Pact one week before the invasion of Poland. In accord with its provisions, Stalin invaded Poland just 17 days after Hitler, took over the Baltic republics, and invaded Finland. To be sure, the USSR was in World War II from start to finish—but on both sides.

Of course, once Bush arrived in Moscow, he praised the courage, endurance, and sacrifice of the Russian people in defeating Hitler. That was both necessary and true: The Red Army did more than any other allied force to destroy the German war machine. By placing this heroism in the historical context of Soviet aggressive imperialism, however, Bush effectively neutralized the attempts by Russian president Vladimir Putin to exploit VE Day in the service of nostalgia for the USSR and his own creeping authoritarianism. As far as U.S.-Russia relations went, Bush's visit was well judged. He refused to allow himself to be used for Putin's somewhat shabby purposes. And his diplomatic tributes to Soviet achievements were clearly within the context of defending historical truth.

Did Bush go too far, however, in his comments on Yalta, and his implicit criticism of FDR and Churchill for signing away the independence of half of Europe? He said: "The agreement at Yalta followed in the unjust tradition of Munich and the Molotov-Ribbentrop pact. Once again, when powerful governments negotiated, the freedom of small nations was somehow expendable." He went on to contrast Yalta with his own policy of spreading democracy: "We will not repeat the mistakes of other generations—appeasing or excusing tyranny, and sacrificing freedom in the vain pursuit of stability . . . No one's liberty is expendable. In the long run, our security, and true stability, depend on the freedom of others."

Bush's argument was seemingly endorsed a few days later by the rapturous reception he received from Georgians when he visited Tbilisi. With its own "Rose Revolution," which replaced a post-Soviet autocrat with a pro-American democrat, Georgia looked like the latest success of the Bush democracy project. The BBC admitted as much through gritted teeth.

Even before Bush left Washington, some European critics of his policy were conceding that his attempts to democratize the Middle East were working better than they had expected. Writing in the *Guardian*, Max Hastings, a conservative "realist" on foreign policy, reported as follows on Iraq: "My own contacts say that the situation is improving, but remains precarious. They suggest that criminal anarchy is gradually being stemmed. The recruitment and training of Iraqi security forces is going a little better." Though Hastings concluded that the jury was still out and failure owing to neocon arrogance still a possibility, he also pointed out that any reasonable person should want the project of Islamic democracy to succeed. And he was speaking for a growing number of Europeans who see that there is obviously popular support for greater democracy in the Middle East and central Asia, but who remain nervous of the project's ambitious and (they fear) hubristic scope.

Which brings us back to Bush's remarks on Yalta: Were they fair and accurate? And was he justified in suggesting that his own policy is an improvement on it, as Georgia would seem to suggest?

Surely it is quite false to compare Yalta with the Nazi-Soviet pact. The latter was designed to advance the aggressive ambitions of both Hitler and Stalin—but neither

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FDR nor Churchill wanted to rule Eastern Europe. They simply accepted the *fait accompli* that the Red Army had occupied it and that any postwar settlement would therefore require Stalin's consent. A policy of forcing Stalin back within the Soviet borders was utopian: Western opinion was pro-Soviet and war-weary; there was still a war to win against Japan in which we wanted Stalin's help; Europe was devastated and needed vast economic relief; and the Red Army was a formidable fighting machine. Neither Bush nor any other Western statesman would have launched such a war in those circumstances. The practical betrayal of Eastern Europe at Yalta had most of the negative consequences he criticized—a divided Europe, etc. But it was more or less inevitable. Bush's criticism is therefore exaggerated and unfair.

What can be reasonably alleged against Yalta is that it was needlessly deceitful. Instead of simply acknowledging that we could not fulfill our war aim of liberating Poland and its neighbors, we pretended that Soviet occupation was a form of liberation. That was a moral betrayal that intensified the natural bitterness of Poles and others. They saw the West not as yielding to Soviet aggression so much as collaborating with it. Honesty would have been the better policy.

If Bush's conduct in Riga and Moscow is any guide, he would not have sacrificed truth to realpolitik—even if he had had to acquiesce in the fact of Soviet conquest. And that is an important distinction.

No sooner had Bush left Tbilisi, however, than a crisis erupted in Uzbekistan that presented him with a dilemma similar to that presented at Yalta. Security forces loyal to Islam Karimov, the post-Soviet Uzbek dictator, massacred hundreds of demonstrators. Even friendly critics of the Bush democracy project are now demanding that he take action against Karimov or face the charge of "hypocrisy."

There is no doubt that Karimov is a thoroughgoing despot. But he has helped the U.S. in the War on Terror by allowing American bases in Uzbekistan. Some of his political opponents—probably the best-organized ones—are extreme Islamists who would happily shoot down demonstrators too, albeit different demonstrators. And though it is doubtless true, as the president argues, that "in the long run, our security, and true stability, depend on the freedom of others," the key phrase is "in the long run." In the short run, our security may depend on having dubious allies in vital strategic regions. Simply abandoning Karimov and hoping that his successors will be an improvement is not a sensible policy; even if it were to succeed in removing him, it might produce another Taliban.

ROMAN GENN

Given the president's elevated rhetoric, the U.S. has to criticize Karimov, nudge him in the direction of reform, and—as in Riga—tell the truth about him. But the truth is that the U.S., as a world power with many interests, cannot impose democratic virtue in every case and so should not encourage democratic rebellion in every context. Our rhetoric should be scaled down to reflect that fact.

Bush is winning the argument; he can ease up on the adjectives. **NR**

■ THE WORLD II

What's in a Boycott?

The campaign to delegitimize Israel has smelly historical roots

DAVID PRYCE-JONES

Various Arab armed forces these past decades have resorted to military means to eliminate Israel from the world's map. All have failed. More than that, the wars each time strengthened Israel, and the Arabs have thus achieved the very opposite of their ambitions. This opens the way to the alternative approach of psychological warfare, a familiar element in all modern wars. PW, in the shorthand the experts use, mobilizes allies and undermines enemies. What is required is a master idea, and people to propagandize in words clever enough for the general public to accept it as the truth.

The master idea in this case is simplicity itself: Jewish nationalism, or Zionism, is an absolute evil, Palestinian nationalism is an absolute virtue. To establish this, the Jews must be shown to be wicked and wrong in every matter great and small, so that the Palestinians appear victims through no fault of their own, innocent people in special need of redress and rescue. With skill and persistence, the Palestinians and their Arab supporters have built up a worldwide PW lobby with helpers in the United Nations, the European Union, the Red Cross, the churches, the universities, and so on. One step at a time, they are subverting the legitimacy of Israel. Their multiple voices and pressures have persuaded the worldwide Left to believe that Israel is a state that ought to be dismantled forthwith. At the very least, they sap Israeli will to survive, and fortify Palestinian will to prefer armed struggle to the necessary compromises of peace.

Like much else, the Palestinian master idea is rooted in the Cold War. Backing the Arabs, the Soviet Union suffered a major

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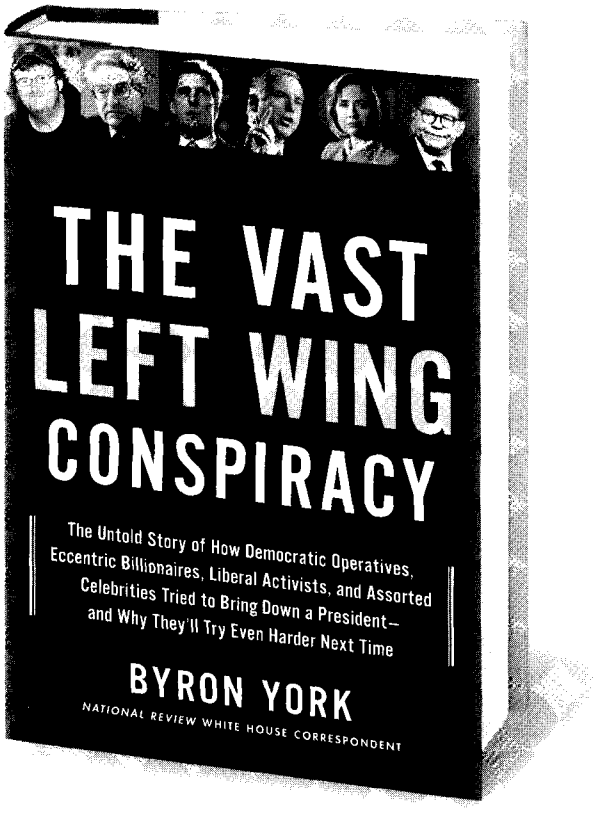
defeat in the Six Day War of 1967. Trying to recover, the Soviet leadership immediately began to equate Israel with Nazi Germany, its deadliest foe. Hitherto tending to sympathize with Israel, the Left everywhere and unanimously swung against it. Here was a manipulation of opinion of the kind immortalized by George Orwell in *1984* as a Two Minute Hate. The Marxist lexicon—"imperialism," "colonialism," "occupation," "settler society"—was deployed to curse Israel. By 1975, the United Nations was declaring that Zionism is racism, and a state built on racism can only be a focus of outrage, the proper target of sanctions and boycotts. Successful American pressure on the United Nations rescinded that resolutions. The Left's inherent anti-Americanism then joined forces irrevocably with the pro-Palestinian PW.

It has been commonplace to portray Israeli leaders like Moshe Dayan and Menachem Begin as Nazis. Self-appointed bodies, including the BBC, have proposed—and sometimes staged—a trial of Ariel Sharon as a war criminal. Posters in Paris today declare, "Hitler has a son—Sharon." Over half of those questioned in a recent poll in Germany equated the Israel Defense Force with the Nazi army. José Saramago, winner of the Nobel Prize for Literature, considers that Israelis are treating Palestinians as Jews were treated in Auschwitz. A Nobel Peace Prize winner, Mairead Maguire, compares Israel's nuclear arsenal to Hitler's gas chambers.

Smearing Jews by attaching to them the label of their chief persecutors and ultimate murderers is not as recent a phenomenon as one might think. The very first person to compare Zionism to Nazism seems to have been the French ambassador to Warsaw in the Thirties, when the government there was already practicing an anti-Jewish policy. Jews then and after tried to emigrate to what became Israel in the hope of surviving the Holocaust, but Gen. Sir Edward Spears, Churchill's wartime representative in the Levant, and the historian A. J. Toynbee were among prominent British personalities who blackguarded these unfortunates as Nazis.

The deadlock between Palestinian nationalism and Zionism led from the 1980s onward to a new set of comparisons, this time between Israel and South Africa. This was PW of a malign bril-

Know thine enemy. They're far more powerful than you imagine.


THE VAST LEFT WING CONSPIRACY
The Untold Story of How Democratic Operatives, Eccentric Billionaires, Liberal Activists, and Assorted Celebrities Tried to Bring Down a President—and Why They'll Try Even Harder Next Time
BYRON YORK
NATIONAL REVIEW WHITE HOUSE CORRESPONDENT

Following dismal showings in recent elections, the powerbrokers on the Left have built the biggest and richest political movement in American history. Their goal: retake the White House in 2008. In his explosive exposé, Byron York reveals how the movement was built, by:

- **Wooing billionaire donor George Soros**
- **Thrusting far-left groups like MoveOn into the mainstream**
- **Raising hundreds of millions of dollars while ignoring the campaign-finance laws they helped pass**
- **And much more**

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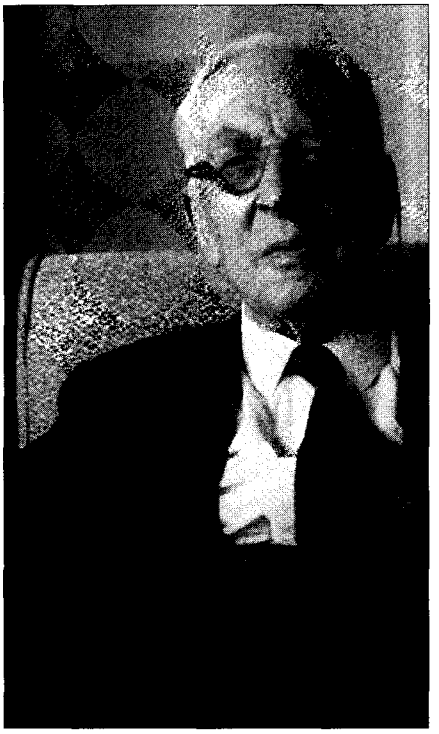
liance. Politically and socially, the two countries had nothing in common. Apartheid does not exist in Israel, where Arabs are represented in parliament and in the foreign service; Druze and Bedouin serve in the army; there are no pass laws or anything like them, and all Arabs enjoy freedom of speech and assembly, indeed more political rights than Arabs anywhere else in the Middle East, except possibly for the new Iraq. Visiting Israel in 1989, Bishop Desmond Tutu secured this new comparison in all its falsity, saying that what he had seen was "much like what happened to us black people in South Africa." Its triumph was the U.N. gathering at Durban in September 2001, when 3,000 assembled non-governmental organizations passed a resolution calling Israel "a racist apartheid state."

The white population of South Africa could see no way either to reform or to stay in power. To significant numbers of Palestinians, including both Fatah and Hamas, the simple and unconditional surrender of power by South African whites is an example for Israel to follow. Nelson Mandela always made a point of supporting Yasser Arafat, and excusing Palestinian terror. Once their will is sufficiently sapped, runs the argument, the Israelis will disappear on the ships that once brought them, and a pristine Palestine will rise up in their place. More than anyone else, Edward Said, the prominent Palestinian spokesman, fashioned this wish-fulfillment into a PW weapon with the claim that Palestinians have a moral monopoly, and therefore are bound to be the ultimate victors. Less sophisticated than Said, other Palestinian publicists, preachers, and educators incite violence directly when they describe Jews as bloodsuckers, descendants of pigs and apes, treacherous, and much else of the sort. Israelis are held to be masters of America, and simultaneously its hireling tools, just as once Jews were simultaneously capitalists and Bolsheviks. When they defend themselves against terror, they are accused of crime and even of committing a massacre at Jenin when no such thing occurred—a PW coup if ever there was one, given that gullible Western journalists were spreading the fiction.

The burning of books and the boycott of Jewish businesses organized by Hitler and Goebbels are models of PW designed to rally supporters and intimidate enemies. The approaching violence was evident, and so was what Einstein at the time called the "psychic illness of the masses." Yet some Jews preferred their form of rather pathetic wish-fulfillment to the terrifying reality. Felix Jacoby, for instance, a historian at Kiel University in Germany, opened his 1933 lecture course by declaring that he had voted for Hitler since 1927, and could only compare him to the emperor Augustus. Dr. Hans-Joachim Schoeps even tried to form a movement of Jews for Hitler (though other Jews replied with the grim joke that his real slogan was *Raus mit Uns*, or "Out with Us").

By and large, Israeli intellectuals have succumbed to Palestinian PW, and do whatever they can to weaken the will for a national existence.

The same psychopathology is at work in Israel today. By and large, Israeli intellectuals have succumbed to Palestinian PW, and do whatever they can to weaken the will for a national existence. Appealing for mobilization against Israel in a *Raus mit Uns* spirit, they speak at international conferences and publish in chic outlets as though they believe with the Palestinians that the Zionist state is a misconceived project to be brought to an end as soon as possible.



SOPHIE BASSOULS/CORBIS

A. J. Toynbee, an early accuser of the Jews

The Association of University Teachers in Britain has just voted to boycott the Israeli universities of Haifa and Bar-Ilan (and to scrutinize the Hebrew University of Jerusalem for its correctness), and a wonderful microcosm it is, too, of how this particular PW campaign operates. Supposed injustice to Palestinians under occupation has precedence over academic freedom. A few years ago, Hilary and Steven Rose, both of them Jewish and academics, were calling for a boycott of Israeli universities. "Cooperating with Israeli institutions," they claimed quite typically, is "like collaborating with the apartheid regime." Sporadic attempts followed to boycott Israeli researchers and students. Someone called Lisa Taraki, described as "Coordinator for the Palestinian Campaign for the Academic and Cultural Boycott of Israel," contacted the AUT, and in particular a lecturer at Birmingham University by the name of Sue Blackwell, described as a former Christian fundamentalist now turned socialist. (Her website was found to recommend a link to the site of a neo-Nazi activist.) At the AUT meeting, Blackwell wore a Palestinian-flag dress, and spoke for the boycott motion. Israeli academics were not allowed to address the floor. Nobody mentioned that Arabs constitute almost a third of the Haifa student body.

In itself, such a boycott is gesture politics of no great significance. Those who voted for it are merely useful idiots in someone else's cause, puffed up with moral indignation that costs them nothing but that fortifies their self-righteousness and vanity. And yet the delegitimization of Israel takes many forms in many forums, and in their way the AUT boycotters are helping to confirm the primacy of the Palestinian cause in today's political sphere. Under cover of that cause, irrationality toward Israel is diffusing into irrationality about Jews generally, sweeping one country after another. Palestinian psychological warfare has already created conditions for a fresh eruption of the psychic illness of the masses. **NR**

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■ COMMUNISM

A Red's White Elephant

In Ceausescu's palace, gigantism and heartache

ANTHONY DANIELS

THERE is no building in the world more philosophically instructive than the Palatul Parlamentului—formerly the Casa Poporului—in Bucharest. It is worth going all the way to Romania just to see it, for it has layers of meaning that provide an almost infinite scope for reflection. No one who has not seen it can grasp the full potential of human megalomania.

It is 15 years since the downfall and death of Ceausescu, the man who instigated the construction of this colossal edifice and its surrounding Centru Civic, destroying a wide swathe of old Bucharest in the process; and it is a testimony to the incompetence and venality of the local politicians ever since the revolution that nostalgia for the rule of the Romanian Nebuchadnezzar is by no means uncommon. One of his sons has even been asked to stand for president.

Facts about the Palatul Parlamentului tend to come in several versions, often expressed with unjustified confidence in their truth—for example, that 600, 700, and even 7,000 architects were employed in its construction. When the guide tells you that 20,000 people worked night and day on the palace for five years before Ceausescu's death, though, you believe him; just as you would believe him if he told you that 40,000, or even 80,000 people, had worked to construct it. The scale is such that it bears no relation to anything by which you might judge such information. Besides, the details don't really matter. What does it matter if a chandelier has 5,000 or 7,000 globes in a country in which, at the time of construction, the electricity supply was intermittent at best and the president publicly announced that the ideal room temperature in winter was 50 degrees, while 1,000 calories per day were really all that anyone needed to eat?

The exterior of the building looks like the set of an epic film by D. W. Griffith, which is to say not quite real; its style is Hollywood Babylonian. The upper stories are given over to bureaucratic offices (or so we are told), and many of the glass panes of the windows have been replaced by wood. How were they broken, or did they just fall out? While sabotage by bitter bureaucrats is of course a distinct possibility, the latter seems to me more probable, for when you look closely at the construction you see that the workmanship is of the lowest possible standard. There are cracks everywhere; nothing was a matter of pride for the workers, everything a matter of fulfilling a quota with the least possible effort. The wall around the grounds is as uneven as the ground itself. An earth tremor might bring the whole thing tumbling down into a huge pile of rubble; perhaps it wouldn't even require a tremor.

Inside, three stories only are of marble, but the rooms, the staircases, and the corridors are of unparalleled size. The style is classicizing, if not exactly classical. Costa-Gavras, the radical Greco-French filmmaker, used the interior as the set for the Vatican scenes of his film *Amen*, in which he accused the Vatican of complicity in the Holocaust.

The largest of these rooms is the ballroom, 200 feet high and with a plaster niche at each end to bear colossal portraits of Ceausescu, which fortunately were never painted. How much like dancing anyone would have felt under their gaze is something we shall now never know. Once again the workmanship is poor and crude, despite an apparently unlimited budget. It won't be long before crumbling starts in earnest. The fact is that, even under the direct gaze of the dictator, nothing of any refinement could be produced in a Communist dictatorship. The skills to do so had been lost, because the motive to do so had been lost.

Gimcrack workmanship seems to have been something of a 20th-century tradition in Romania, though, at least as far as public monuments were concerned. In the

Mr. Daniels is the author of many books, particularly about the Third World.

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beginning of her famous trilogy about Romania in the period immediately before the war, Olivia Manning observed of the reconstruction of the Royal Palace: "At either end of the palace workmen had started screwing pieces of pre-fabricated classical facade on to scaffolding. And the first version of Bucharest's triumphal arch had fallen down: It had been built . . . by a fraudulent contractor who had used inferior cement. When it fell down, the contractor was put in prison."

There were other parallels with Ceausescu's efforts. King Carol II had wanted to make the square in front of his palace large and regular. He had buildings pulled down to this end: "These buildings had been almost the last of the Biedermeier prettiness bestowed on Bucharest by Austria. The King, who planned a square where, dared he ever venture out so openly, he might review a regiment, had ordered that the demolitions be completed before winter." Describing some of this demolition, Manning wrote, "Nearby could be seen the red wallpaper of a café—the famous Café Napoleon that had been a meeting-place of artists, musicians, poets, and other natural non-conformists. Guy [a character in the novel] had said that all this destruction had been planned simply to wipe out this one centre of revolt."

Ceausescu built his enormous Centru Civic, including the Casa Poporului, to centralize his administration, the better to keep it under close surveillance. He also had a deep mistrust of individual houses, such as had existed in the area he destroyed to build it. They were much harder to survey, and therefore intrigue was much easier to carry out in them. It was his goal to wipe out all such individualist housing altogether, and place the whole population, including the peasantry, in apartment blocks, where surveillance could be universal and inescapable. He was thus like King Carol, but magnified 10,000-fold; and it is a regrettable fact that royal dictators almost always have better taste and more style than commoner dictators. The grandeur that Ceausescu created was that of a man without aesthetic education, whose pride was wounded early in his life and who wanted to take revenge upon his own early biography. He was a man who had heard of beauty and elegance, but had either never seen any, or could not recognize it when he did.

As you walk through the vast marble halls of the Palatul Parlamentului, a question goes through your mind like a refrain: How could a man whose ideology was egalitarian have indulged in a degree of extravagance that equaled in scope, and more or less in effect, that of Louis XIV? After all, he could have carried out his other purposes without erecting such a monstrous folly. Should we see him merely as a megalomaniac hypocrite, then, whose egalitarianism had been all along but a vehicle for his thirst for personal aggrandizement?

I think the truth is rather more complex, and more flattering to the universal human capacity for rationalization. Ceausescu—who was the only person at his own brief and grossly unjust trial to emerge with a semblance of human dignity—would have said, and believed, that he had had the palace built to glorify not himself, but the Romanian nation. It was the property of the Romanian people, not of himself; and why should palaces belong only to monarchs? Did the Romanian people not merit what only kings had hitherto enjoyed? In a perverted way, no doubt, Ceausescu's extravagance, greater than any capitalist's, was a manifestation of his egalitarianism.

When he was overthrown, he left his successors with a dilemma about what to do with the building, then only half-completed inside. In the first flush of joy and accumulated anger at Ceausescu's downfall, most Romanians wanted it pulled down, but—at least according to one version of events—the cost of demolition was prohibitive, and thus the labor of 100,000 man-years was saved. Japanese and American businessmen offered to complete it and turn it into a casino (Bucharest now has a casino on almost every corner), but this was regarded as too undignified. Romania was left with a problem it could ill afford to solve.

This is an illustration of the way men and nations find themselves with problems inherited from the past. The problem is not solved even now. The building is deteriorating even as 200 people are employed on its upkeep. The grounds around it have turned into a wasteland. The apartment blocks that are an integral part of Ceausescu's design—eerily reminiscent of Speer's Germania—regularly shed stucco, brick, and concrete. It is Ceausescu's revenge. **NR**

■ **BRITAIN**

A Tory Victory

One of conservatism's best writers is elected to Parliament

JAY NORDLINGER

On May 5, Tony Blair won a third straight term as British prime minister, a first for a member of the Labour party. Immediately, this was interpreted to be a loss—such are the peculiarities of the U.K. system. Also on May 5, Michael Gove was elected to the House of Commons. This is cause for conservative rejoicing—no matter where one lives. Gove is one of Britain's best political writers, and one of conservatism's best writers, and he promises to be a strong politician. Is it too early to talk about him as prime minister, given that he's 37 years old and was elected to Parliament about two seconds ago? Yes, but a little such talk has already dribbled out.

In America, it would be unusual for a writer to be elected to the legislature, or to anything else. We're not apt to see George Will, Michael Kinsley, or Shelby Steele on Capitol Hill anytime soon—unless they are instructing congressmen. In Britain, however, writing and politics have long gone together. Sheridan was in Parliament. So were Burke, Macaulay, and scads of others. British politicians always seem to be writing, especially about other politicians. Shortly before he died, Roy Jenkins, the Labour figure, wrote a biography of Churchill. William Hague, the former Conservative leader, recently wrote a biography of Pitt the Younger.

In Parliament now are a number of former journalists—and some not so former—belonging to both parties. The Labourites include Martin Linton, who worked for several papers, concluding with the *Guardian* in 1997; Siôn Simon, who is still an associate editor of *The Spectator* (a magazine generally con-

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servative, but wildly diverse, sometimes to the point of schizophrenia); and Gordon Brown himself, touted to be the next prime minister—he worked for Scottish TV.

Among the Conservatives is Paul Goodman, whose journalistic career culminated in the position of "comment editor"—British for op-ed editor—at the *Daily Telegraph*. It's hard to stop scribbling altogether, though: In his time as Member of Parliament for Wycombe, Goodman has published a piece on the plays of Tom Stoppard.

Most famous, and notorious, of the British writer-parliamentarians is Boris Johnson, another Conservative, who is editor of *The Spectator*, a columnist for the *Daily Telegraph*, a steady television presence, an author of books. (His latest is the novel *Seventy-Two Virgins*.) Hugely gifted, entertaining, and scandalous, Johnson has a mass following in Britain. There is a website devoted to him called BorisWatch. It has a blessing, "May Boris be with you," and states, "Boris Johnson is, frankly, the mutt's nads." (Parse that, will you?)

Unsurprisingly, many people consider Johnson spread too thin, one of them being Michael Portillo, a former Tory big, and now a journalist (a political columnist and theater critic). (Incidentally, Michael Gove wrote a biography of him.) In the pages of the *Sunday Times*, Portillo wrote, "Johnson is talented at many things and cannot bear to sacrifice any of them." They said the same about Leonard Bernstein. Johnson is no longer a front-bench Tory, however, having been remanded to the back bench last November. This followed "revelations about an extra-marital affair," as one newspaper put it. Approached by the press, Johnson said, "Bog off." Shortly after, he wrote for himself, in a column headed, "Trust me, being sacked isn't all bad." It was typically sparkling—and hilarious—and ended, "My friends . . . there are no disasters, only opportunities. And, indeed, opportunities for fresh disasters."

Michael Gove will largely abandon his journalistic career, confining himself to a weekly column, in the *Times*. (That would be almost a full career, for some.) He says, "Boris is an exception to every rule, a phenomenon. He's riding more horses than most of us could manage."

Gove is a fairly rare thing in British political life: a Reaganite, even more than he is a Thatcherite, because he is deeply interested in social policy, and moral issues. Gove is also called a "neoconservative," which is not the pleasantest word in Britain. Indeed, he published an essay in a collection called *Neoconservatism*, edited by Irwin Stelzer, of America's *Weekly Standard*. That essay is titled "The Very British Roots of Neoconservatism and Its Lessons for British Conservatives."

The new parliamentarian was born in Scotland, the son of a fishmonger (as newspapers like to note). He went to Oxford, where he was elected president of

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the Oxford Union (as Boris Johnson had been before him).

His development as a thinker may ring familiar—it has its U.S. parallel. "As a schoolboy," he says, "I thought I was a socialist, because the author who most influenced me was Orwell." Never mind that "Orwell has admirers on all sides, of course." Then the Falklands War occurred, when Gove was about 15. "This was a defining moment for Britain, and for me, in a way." The country was supposed to be in decline, and "Mrs. Thatcher was attacking that," and demonstrating universal principles as well: such as that "dictators must not impose themselves willy-nilly on people and decide their futures." After the Falklands, "Britain didn't need to apologize for itself anymore," and "it didn't need to cringe," either.

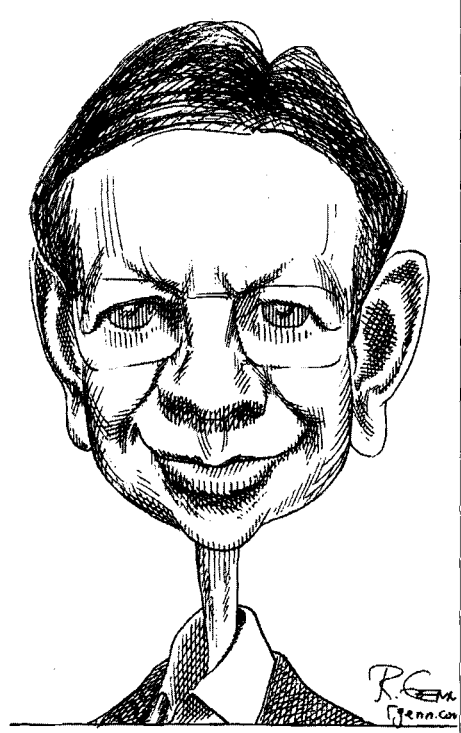
And then there was the miners' strike, in the mid-1980s, "the last hurrah of organized labor as a movement": "It made me realize that many people on the left who claimed to speak for the poor were more interested in fighting an ideological crusade than in achieving actual gains" for the ostensible objects of their concern.

Gove also notes that he admired certain writers, well before realizing that he was responding to a sort of conservatism. He liked Evelyn Waugh, Graham Greene . . . and Jane Austen. "People caricature it, but Austen's work was important to me, in that it recognizes the value of respecting ancestral wisdom. The fact that I responded to Austen predisposed me 20 years later to respond to Gertrude Himmelfarb," the American historian and author of such books as *The De-moralization of Society*.

Finally, there was the Fall of the Wall, when "it seemed to me that conservative principles and insights had been triumphantly vindicated. The case for the free market, the Reagan-Thatcher attitude to the Soviet Union"—all of it. So that by the time he left Oxford, most of Gove's positions had been established. "I was a Reagan-Thatcher fan, but with that residual streak of British Toryism, which would mean, in American terms, that there is a bit of Russell Kirk mixed in." Gove says that his outlook "combines optimism about human potential with a recognition of the weaknesses in human society," which demand bedrock institutions, primarily the family.

Gove rose quickly in journalism, holding several editorships at the *Times*, and writing all the while. He also appeared on many television and radio programs, including *The Moral Maze*, from BBC Radio Four. He describes this show to his American interviewer as "an ethical version of *Crossfire*." With some brothers-in-arms, he founded a think tank, Policy Exchange, which bills itself as "promoting ideas and policies based on strong communities, personal freedom, limited government, national self-confidence and an enterprise culture." He and his friends started the institute, he says, "because one of the problems of British conservatism is that we haven't made the investment in the war of ideas that the American Right has." The Policy Exchangers were much taken with the success of Mayor Giuliani in New York.

Unlike most American politicians—but like some judicial nominees (for example)—Gove has a lengthy, lengthy "paper trail," as we would say. He has written three books, and hundreds of articles and essays. He has written on virtually every subject under the sun, with authority. He can write complexly, simply, scaldingly, sweetly, analytically, sweepingly. Of the countless pieces written about Terri Schiavo—the Florida woman who figured in the recent "right to die" case—Gove's was one of the most eloquent. No matter what the subject, he is not afraid to stick his neck out.



New MP Michael Gove

He is unwavering in his support of the Iraq War, and of the general War on Terror. He has no truck whatever with anti-Americanism—an especially powerful essay is "Hatred of America: The Socialism of Fools" (a phrase traditionally applied to anti-Semitism). He is also a strong supporter—politically, morally—of Israel, which is an even lonelier thing to be in Britain than a strong supporter of George W. Bush. He says that America and Israel are "standing rebukes to the Left," for all they represent, and that, in defending them, one is "defending Western civilization overall." We'll see how that goes over in parliamentary debate.

Gove now represents Surrey Heath in Parliament, and his seat is considered a very safe one, for a Conservative. In former times, it was easier to do other jobs while serving in Parliament, because Parliament met mainly in the afternoons and evenings. But politics has become more of a full-time affair in Britain—which is to be regretted. As Gove says, "The ideal democratic system is one of citizen legislators," who come together every now and then, to discuss and enact minimal legislation. "But it is in the nature of modern democracies that more and more is expected of elected representatives."

Everyone acknowledges that Gove gave up a lot when he entered politics: He could well have been editor—editor-in-chief—of the *Times*. But Gove thought it vital to be "in the arena," as the first Roosevelt said, not just spectating, even prominently. "If you spend a lot of time arguing that politics should move in a different direction," he says, "you ought to take some responsibility for it. Instead of Monday-morning quarterbacking, you should do some actual quarterbacking." (Gove is liberal with his Americanisms.) In a grand tradition, however, he will not stop writing: There's that weekly column, yes, and he has contracted for a biography of Bolingbroke.

Watch him, when C-SPAN does Westminster, if you can. Failing that, one can always read him. **NR**

ROMAN GENN

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Option Four

A compromise on gay marriage

RAMESH PONNURU

THE debate over marriage does not seem to be amenable to compromise. It is one of those debates in which the contending parties disagree not only about what answer we should reach, but also about what the question is in the first place. As in the debate over abortion, the very terminology of this debate is contested. Advocates of "gay marriage" use that phrase to suggest that what they want is an end to the exclusion of a class of people from an institution. Opponents of "same-sex marriage" use that phrase to suggest that what is at stake is a redefinition of the institution: The law they defend does not examine the sexual preferences of the parties to a marriage, but merely requires that they be of opposite sexes.

But perhaps a limited compromise can be reached, if we can separate the two fundamental issues in the debate: recognition and benefits.

Whenever the debate has been at its most abstract and ideological, it has concerned the politics of recognition. Proponents of gay marriage want the government to recognize long-term homosexual relationships as morally equivalent, at least for public purposes, to marriage. Many proponents undoubtedly want more than this kind of formal legal equality: They hope that insisting on governmental evenhandedness between homosexual and heterosexual couples will change people's attitudes so that society, and not just the government, will see them as equally worthy and morally indistinguishable. Opponents warn that if the demand for same-sex marriages is granted, it will be followed by demands for state penalties on people and churches that refuse to recognize them. But for now, what is being debated is the legal recognition of committed homosexual relationships as on a par with marriage.

When proponents of gay marriage say that existing law is "discriminatory," and a violation of the Fourteenth Amendment, their underlying claim is that the state has no legitimate reason for distinguishing between long-term gay relationships and conventional marriages. If there is no reason to distinguish between them, the distinction observed by existing law can be attributed only to prejudice. Opponents of same-sex marriage, on the other hand, have argued that there are legitimate distinctions to be drawn. If according legal standing to the marriage of a man and a woman can yield some public good that according legal standing to same-sex couples cannot, then existing law does not involve any invidious discrimination. Whether any such public good exists has been a major point of contention in the debate. Almost all the high-flown commentary on the marriage debate has turned on this question of recognition, although the issue is sometimes disguised.

The energy brought to this part of the debate has sometimes obscured the extent to which the debate is also about various governmental benefits. Supporters of same-sex marriage have asked again and again why gays should be denied hospital-visitation rights when their partner falls ill or bereavement leave when their partner dies. Obviously, this concern is connected to the argument about equality: If committed same-sex couples are morally equivalent to married couples, then why should they not have the same legal protections? But the issue of benefits can, to a large extent, be separated from the issue of the legal recognition of relationships.

And the issues should be separated. There is no very good reason that many of the incidents of marriage that remain on the books should be tied strictly to marriage. To the extent possible, they should be extended more widely. Liberals and conservatives, supporters and opponents of same-sex marriage alike, should be willing to support this extension.

Take, for example, the question of the bereavement leave given to state employees. State governments could easily have their workers designate a person whose death would trigger the leave. Many workers would choose their spouses. Gay men and lesbians in long-term relationships would, presumably, choose their partners. People who are not in romantic relationships might choose blood relatives or friends. Family leave for state employees could be handled similarly.

So could hospital-visitation rights: Where the law has said that hospitals must grant them to spouses, it could be amended to require that they also be granted to whomever the patient has designated—and again, that "whomever" could be a man's

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live-in girlfriend, his boyfriend, or a close friend.

These benefits could, perhaps, be bundled together: People could be allowed to choose someone as their "designated partner" for a multitude of purposes. Legislators could call the resulting bundle of rights a "domestic partnership" or even a "civil union" if they wish. Bundling the benefits together would make things simpler for beneficiaries and government officials alike than extending each benefit separately.

Such policies would allow gay couples to get the tangible benefits they seek, but not governmental recognition of their relationships as such. And so long as the benefits were available not only to married people and to gay couples, but to any pair of people, then opponents of same-sex marriage would have nothing to complain about. No benefit would be contingent on any assumption by the government that the beneficiaries were involved in a sexual relationship outside traditional marriage. The precise nature of the relationship between the beneficiaries would not concern the state. The state would be blind to it.

NO "MARRIAGE LITE"

Would taking these steps "undermine marriage," as opponents say same-sex marriage would? It's hard to see how. The incidents of marriage that remain on the books may be important in some respects, but nobody gets married in order to enjoy them; allowing people to have them outside marriage is not going to drive down the marriage rate. Nor do most of the remaining incidents of marriage have much moral significance—the great exceptions being those incidents having to do with the raising of children, which will continue to divide social conservatives and social liberals. (Florida, for example, does not permit gay couples to adopt children.) The kinds of changes mentioned above are more akin to contractual arrangements. We allow people who are not married to each other to make all kinds of contractual arrangements without worrying that their ability to make them undermines marriage.

Social conservatives, and even some supporters of gay marriage such as the journalist Jonathan Rauch, have expressed concern that a proliferation of institutional substitutes for marriage would undermine marriage. They worry, that is, about "marriage lite." The modern practice of cohabitation illustrates the fear. If a young man is being pressured by his girlfriend to commit but does not want to marry, he can move in with her instead. Would registering as a "designated partner" (or whatever term is employed) become another way for him to avoid marriage? So, for example, his girlfriend is pressuring him to make still more of a commitment than just living together. Will he be able to placate her by going to City Hall and signing a form?

To the extent there is any reason to worry about this scenario, it's an argument for making the above reforms piecemeal, even at the cost of reduced simplicity. But there is reason to doubt that even a wholesale extension of benefits would have baleful effects. The fact that the new institution would be open to everyone—roommates who are not involved in a sexual relationship as well as those who are, siblings, friends—would tend to undermine its attractiveness as a symbol of romantic commitment.

The idea of decoupling various benefits from marriage has hardly received an airing during the debate over gay unions. When the idea entered the debate, it did so at a peculiar angle. Around the time the high court of Massachusetts ruled in favor of same-sex marriage, when social-conservative organizations were hashing out what kind of constitutional amendment they should support, some social conservatives briefly proposed one with two major features. It would define marriage as the union of a man and a woman. It would also prohibit governments from granting any benefits to unmarried couples (or groups) that were predicated on a sexual relationship. The principle was very similar to what I am advocating here, except that it was framed negatively. The social conservatives were not proposing to extend any benefits that had traditionally been tied to marriage more widely. They were suggesting that they would *allow* such extensions under certain conditions. They would allow benefits to be given to the unmarried, that is, if it were done on a non-discriminatory basis: If unmarried couples, heterosexual or homosexual, could get the benefit, siblings who shared the rent had to be eligible for it too.

The proposal was somewhat convoluted, and thus easily misunderstood. Andrew Sullivan, a prominent pro–gay-marriage pundit, thought that the social conservatives were saying that they wanted to extend benefits only to celibate couples. Any such proposal would be absurd and unworkable, as he suggested. But the present political moment seems auspicious for someone to go further than those social conservatives did, and actually propose an extension of marital benefits to unmarried couples of all kinds.

Public opinion over gay marriage looks ambivalent because the median voter is tugged in two directions.

The reason compromise might work now is that the politics of marriage are in flux. Advocates of gay marriage are confident that the future is on their side. Although support for their cause in public-opinion polls has dropped since Massachusetts brought attention to it, the longer-run trend has been in their favor. Younger people, in particular, have shown steadily increasing support for gay marriage. If the advocates believe they will win in the long run, however, they are less sure how long that run will be. Their allies within liberalism, meanwhile, are afraid that they will suffer severe political damage in the interim—as they appear to have done in 2004.

Opponents of same-sex marriage, looking at the same situation from the opposite perspective, also have mixed prospects. They can see short-term political victories ahead, but actual success in their project of preventing same-sex marriage from becoming the prevailing law in America looks much less likely.

Each side had its own spin on the 2004 elections. Social liberals noted that in the exit polls, a plurality of 35 percent of voters said they favored "civil unions" for gays. Social conservatives, however, noted that voters supported initiatives against same-sex marriage in every state where they were on the ballot—and some of those initiatives were against civil unions, too. Indeed, the opposition to many of those ballot initiatives centered on the notion that

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they were banning civil unions and domestic partnerships as well as same-sex marriage.

My hunch is that public opinion looks ambivalent because the median voter is tugged in two directions. He thinks marriage should remain an opposite-sex affair, but he has no wish to deny hospital-visitation rights to gay couples. If he is forced to choose between these impulses—if what's on the ballot is a choice between same-sex marriage and the continued denial of various benefits for gay couples—he will vote against same-sex marriage. If a pollster offers him "civil unions" as a middle ground, however, he will say he supports it.

Civil unions, as generally conceived, seem not to be a viable compromise in the marriage controversy. Social conservatives seem to be implacably opposed to any governmental recognition of homosexual relationships, even if they do not travel under the name of "marriage"—partly because they fear that once such unions are recognized, over time they will be treated as marriages.

THE FOURTH OPTION

But what if our pollster added a fourth option (in addition to same-sex marriage, civil unions, and nothing)? I imagine that if the public were granted an option that allowed gay couples to receive benefits without according legal standing to their relationships, the option would draw support from each of the other three camps. It might well become the plurality option.

That plurality would, I imagine, include President Bush, if a pollster called him. Right before the elections, Charles Gibson of ABC asked Bush, "[H]ow can we deny [homosexuals] rights in any way to a civil union that would allow, give them the same economic rights or health rights or other things?" Bush responded, "I don't think we should deny people rights to a civil union, a legal arrangement, if that's what a state chooses to do . . ." Gibson interjected that the Republican-party platform "opposes it" (i.e., civil unions). Bush came back with, "Well, I don't. I view the definition of marriage different from legal arrangements that enable people to have rights. And I strongly believe that marriage ought to be defined as a union between a man and a woman. Now, having said that, states ought to be able to have the right to pass laws that enable people to be able to have rights like others."

The remarks generated a lot of controversy, with some social conservatives convinced that Bush had betrayed them and pundits of all political persuasions convinced that Bush had made a last-minute campaign U-turn. The weekend after the election, Karl Rove offered his own gloss on Bush's position for Fox News: "He believes that there are ways that states can deal with some of the issues that have been raised, for example, visitation rights in hospitals or the right to inherit or benefit rights, property rights. But these can all be dealt with at the state level without overturning the definition of marriage as being between a man and a woman."

Keep in mind, when reading Bush's words, that the phrase "civil unions" has no determinate legal meaning. A state could offer various benefits to homosexual couples, heterosexual couples, and roommates with no sexual relationship, all under the rubric of "civil unions." With that understanding in mind, Bush's and Rove's remarks are entirely consistent with support for the kind of approach I am advocating. (They may also be consistent with the Republican platform.)

This approach would leave several important issues unsettled. Many people will continue to believe strongly that the law ought to recognize same-sex relationships the same way it recognizes traditional ones, and many people will continue to object strongly. No reconfiguration of benefits is going to end that debate. Liberals will be exasperated with conservatives: If they are willing to grant gay couples benefits, they will ask, why are they so stubborn about the merely symbolic question of legal recognition? Conservatives will have the mirror-image exasperation: If gays have almost every tangible benefit they want, why should they seek legal recognition too?

Nor can this approach neatly solve every question of benefits. The approach advocated here does not attempt to settle questions about rights and duties involving children, where the divisions make attempts at compromise unpromising. Finally, how to apply the approach raises some difficult questions. Tax and Social Security law interact with marriage in various ways. The relevant provisions of the law could be seen as acknowledgments of marriage's dimension as an economic partnership—in which case legislators could presumably extend the benefits to non-marital households that function as economic partnerships. If the provisions are seen, however, as a way for the government to encourage moral behavior, social conservatives and social liberals are likely to disagree about whether they should apply to same-sex couples.

A compromise need not settle all the issues to offer something to each side.

A compromise need not settle all the issues, however, to offer something to each side.

Advocates of gay marriage would not get legal recognition for gay relationships. Their cause might lose some steam, since gays would get some benefits whose denial had previously generated sympathy. But gays would get those benefits sooner than they would if they wait for victory in the struggle for gay marriage—and those real-world benefits have to count for something. If advocates of gay marriage are right that their triumph is historically inevitable, they have little to lose.

Opponents of same-sex marriage also have little to lose, and something to gain. Many of them insist that they are not motivated by any hostility to gays as people. Supporting an extension of benefits would allow them to prove it, which would be worthwhile morally and would also improve their tactical position in the political debate. Their chances of passing the constitutional amendment they seek might improve. (It's important that there's no certainty here. If this compromise were certain to make the social conservatives succeed, the other side would have no reason to support it.)

And it's just barely possible that everyone would reap the benefit of a reduction in the strife that has attended the marriage debate. **NR**

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■ THE JUDICIARY

Framing the Framers

The Left enlists some 'dead white males' in the cause of today's international law

DAVID B. RIVKIN JR. & LEE A. CASEY

For years, academics and left-wing activists have been searching for a means of enforcing international law, as they construe it, against the United States. So far, they have not been particularly successful. This was true even throughout Bill Clinton's presidency, when there was a good deal of international-law rhetoric but precious little practical application. Mr. Clinton was, after all, the first U.S. president to reject the International Criminal Court; he also took the United States to war against Serbia without obtaining United Nations approval.

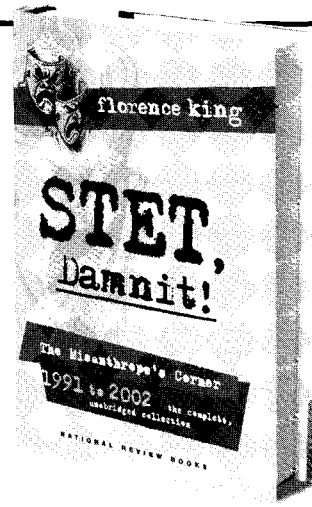
George W. Bush has made clear by word and deed that he will never seek an international "permission slip" to defend America's interests. His successes in Afghanistan, Iraq, and especially the 2004 presidential election have left many "progressives" muttering in a quiet rage. In response, some have taken to arguing that the United States in general, and the president in particular, is bound by international law because it is already part and parcel of the Constitution—law that the president must "faithfully execute" as part of his office. Doubtless hoping to steal a march on their conservative opponents, a few hardy souls have actually turned to the Constitution's framers for support.

For those dedicated to the "living constitution," this foray into original-meaning jurisprudence is surely Indian Country. Nevertheless, they managed to bring home some treasures—or so it must appear. In fact, quotations abound in which the framers extol the virtues of "the law of nations" and assume that the United States is bound by that law. There are many early decisions in which the courts, including the Supreme Court, consider and apply international norms. The Constitution itself makes treaties "the supreme Law of the Land" and gives Congress the power to define offenses against the law of nations.

If is, of course, understandable that the Left has been so drawn to this argument, which is increasingly evident in both academic and popular literature. Its most extreme proponents must think they've found the Philosopher's Stone. By virtue of "international law," the Bush administration's most hated wartime policies are transformed from "wrongheaded" decisions into offenses against the Constitution. Better still, the American electorate's stubborn refusal to accept the Left's policy preferences on almost every issue becomes irrelevant: The Constitution allegedly already requires that the death penalty be abolished, abortion-on-demand be preserved, Social Security be expanded, and health care be made universal—all because of widely accepted international conventions or custom.

But the Constitution's framers did not create a free-ranging commission by which elite, "progressive" international opinion could be transformed into American domestic law, enforceable in the courts and binding on the president and Congress. They did, of course, respect and honor the law of nations, from self-interest if nothing else. The framers were especially keen to have this body of practices and norms applied to the United States as a reaffirmation of its place as an independent state. It was, however, the "law of nations" and not "international law" to which they referred.

Messrs. Rivkin and Casey are partners at the law firm Baker & Hostetler, LLP. They served in the Justice Department under Presidents Reagan and George H. W. Bush.



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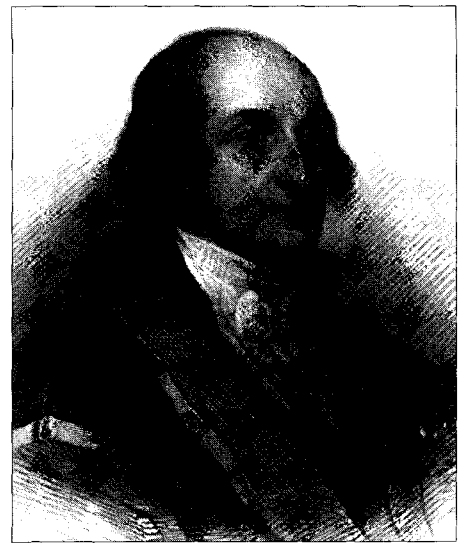
THE UNCHANGING INTERNATIONAL LAW

Not surprisingly, the "law of nations," as understood and accepted by the Constitution's framers, bore little resemblance to the "international law" of today, and still less to the "international humanitarian law" that the Bush administration has supposedly violated. It was highly deferential to the needs of sovereign states, and included a narrow set of rules with a well-defined and limited application. As the Supreme Court recently explained in *Sosa* v. *Alvarez-Machain* (2004), these included "the general norms governing the behavior of national states with each other . . . a body of judge-made law regulating the conduct of individuals situated outside domestic boundaries and consequently carrying an international savor . . . [and] a sphere in which these rules binding individuals for the benefit of other individuals overlapped with the norms of state relationships." In this last category were rules permitting states to prescribe criminal sanctions for violating safe conduct, assailing ambassadors, and piracy.



John Jay, a 'law of nations' chief justice

What the law of nations did not include was the host of "internationally recognized" norms—applicable to how states govern their own affairs and the rights of individuals vis-à-vis their governments—that make up much of modern international law. Had this been the case, the American republic would have looked very different from the nation actually formed by the Constitution. In fact, looking at the prevailing global consensus at the time, it is doubtful that the United States would have been a republic at all. From the perspective of the "international community," then dominated by absolutist monarchies, the American Constitution's principles were genuinely revolutionary. There is therefore little reason to believe that the framers would have left those principles open to reformation and repeal based on international approval.

The law of nations was a safe construct precisely because it could not change—at least, not much. This body of law was universally applicable not because it represented the current global consensus, but because it was rooted in the immutable law of nature, a manifestation of God's will. As explained by the English jurist Sir William Blackstone:

> This law of nature, being co-eval with mankind and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times: no human laws are of any validity, if contrary to this; and such of them as are valid derive all their force, and all their authority, mediately or immediately, from this original.

The divine origin of the law of nations is, of course, a point rarely noted by those claiming some special constitutional status for modern international law. But it is this concept to which the framers referred.

Even so, they were remarkably cautious when it came to the Constitution's actual requirements. In discerning those requirements, the first step is to examine the text. It does not, of course, make reference to international law. In Article I, section 8, clause 10, Congress is given the power to "define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations." Article VI, clause 2, makes the Constitution and laws of the United States, "and all Treaties made, or which shall be made, under the Authority of the United States . . . the supreme Law of the Land." These are the Constitution's only references to an international law. There is little doubt about the purpose or meaning of either provision.

Madison's notes of the Federal Convention suggest that the power to define and punish piracies and offenses against the law of nations was discussed twice, although not at great length. The provision was adopted to ensure that the national government, rather than individual states, would have the authority to legislate in this area—to avoid inconsistent or conflicting state rules. Significantly, Madison also noted that the clause was necessary because "no foreign law should be a standard farther than is expressly adopted."

Perhaps this thought piqued the interest of Pennsylvania's Judge James Wilson, one of early America's most important international-law advocates. When the provision was discussed again, near the convention's end, Wilson objected to the word "define," arguing that "to pretend to define the law of nations which depended on the authority of all the civilized nations of the world, would have a look of arrogance, that would make us look ridiculous." Gouverneur Morris responded that "the word *define* is proper when applied to *offenses* in this case; the law of nations being often too vague and deficient to be a rule." And so the debate between realism and idealism, unilateralism and multilateralism, began—or continued. Significantly, the word "define" stayed in the text.

TREATY TALK

The story was similar on the question of treaties. Indeed, the framers articulated the purpose of the "Supremacy Clause" in the same very sentence: "[A]nd the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." This, of course, had been one of the principal faults of the original Articles of Confederation—they effectively left the states free to ignore national treaties. The Supremacy Clause was designed to remedy this, and to ensure a national foreign policy.

To that end, the courts have consistently acknowledged federal supremacy in this area, even permitting otherwise legitimate exercises of state power to be trumped by national treaty commitments. At the same time, however, the courts have accepted that a treaty cannot achieve what the Constitution itself forbids, that Congress can overrule a treaty by passing a later statute, and that the president may exercise the United States's sovereign right to withdraw from preexisting treaty commit-

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ments. Moreover, the courts have been highly deferential to the president's authority to determine and shape American obligations under customary international law, as well as to interpret and apply treaties.

For example, in *The Paquete Habana* (1900), a case frequently cited for the statement that "international law is part of our law," the Supreme Court concluded that fishing boats are generally exempt from naval capture during times of war. It did not suggest, however, that a different rule would not, or could not, apply based upon an authoritative decision by the president or a conflicting federal statute. The Court fully acknowledged that it was bound to take account of the customary rule only "in the absence of any treaty or other public act of [its] own government in relation to the matter."

Deference was also shown to national authorities, and especially the president, with regard to treaties. Of course, the courts have periodically been called upon to interpret treaties in cases where Congress has created a private right to sue, or where the treaty itself is "self-executing" and posits such a right. Where core foreign-policy interests are at stake, however, the judiciary has properly concluded that the Constitution vests the political branches with decisive authority. Although international law enjoins all nations to keep their agreements—*pacta sunt servanda*—the courts have not attempted to enforce this maxim, and have largely accepted the president's authority to withdraw from an agreement or suspend American performance vis-à-vis its treaty partners.

Obviously, the balance between Congress and the president has shifted over the years, largely depending on the strength of individual presidents. Nevertheless, arguments that the president must interpret American treaty commitments in accordance with congressional wishes, or that he can withdraw from a treaty only with congressional (or senatorial) consent, have not been successful.

This is not surprising. Such a rule would encompass only one type of America's international agreements: a treaty made under the Constitution by and with the Senate's advice and consent. Agreements made by the president under his own authority—so-called executive agreements—are also "treaties" for international-law purposes, although they are made and unmade by the president alone. Moreover, although treaties are the "supreme Law of the Land," unlike federal statutes or the Constitution itself their character as such depends entirely on their continuing validity as international obligations. If the international rights and duties created by a treaty are discharged, denounced, or suspended, as international law permits in various circumstances, this will effectively vitiate their domestic legal status.

Although the Constitution's framers clearly believed in a "law of nations," they did so not because they intended to subject the American polity to the changing dictates of "international" opinion. For them, the law of nations was one aspect of natural law to which all were subject as God's creatures. When it came to the very practical business of government, however, the framers merely ensured that the authority to define and execute the United States's international obligations was vested in the federal government, rather than the states, with the president as the dominant player. Otherwise, they left the United States free to operate like any other sovereign power. **NR**

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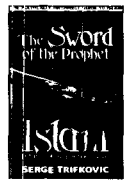

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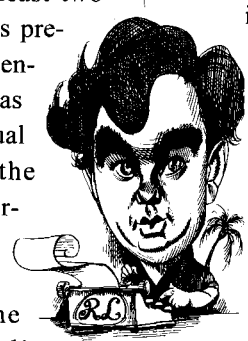
the long view

ROB LONG

The Corrections File . . .

"In a recent article entitled 'Our Troops in Afghanistan: Out of Control?' *Newsweek* described several events that purportedly occurred in prison facilities maintained and administered by American forces in Afghanistan. These events—the ritual desecration of the Muslim holy book, the Koran—were corroborated by at least two sources: a person who was present during the story's invention, and a person who was an eyewitness to the actual telling of the story to the *Newsweek* reporter. Nevertheless, the story and its inventors have come under increased scrutiny in the past week, and it is *Newsweek*'s longstanding policy to retract any portion of any story that may or may not be possible to confirm. Therefore, although we vigorously stand by the story, and its sources, we regret any misunderstanding or miscommunication with readers who may have acted on the information in the belief that it was so."



"In yesterday's edition of *All Things Considered*, in a story about the controversial Bush-administration judicial nominees and the fight to end the Senate's filibuster tradition, we made a passing and incomplete reference to 'a former Ku Klux Klan member' and the Bush nominee to the federal appeals court, Priscilla Owen. Due to a technical error, it was implied that Ms. Owen was a former member of the racist organization. She is not. The story should have made clear that the former member of the Ku Klux Klan in question is Senate majority leader Bill Frist. *All Things Considered* regrets the error."

"Due to a computer layout error, in Tuesday's local edition of the *New York Times*, in an article headlined 'Signs of Hope and Gratitude in Iraq,' several Iraqi residents were quoted as 'thanking' America and praising President Bush for 'liberating' them from an 'evil dictator.' Many of those interviewed expressed 'hope' and 'optimism' about the future of a democratic Iraq and a sober realization that the 'road to stability and domestic peace may be long and rocky, but that in the end, it's worth it.' The *New York Times* regrets the error."

"Due to an editing error, a recent article on the ethical travails of House majority leader Tom DeLay suggested that the crawlspace under his Texas home was filled with the decomposing bodies of young children. The *Dallas Morning News* regrets this error."

"In yesterday's edition of *All Things Considered*, in a correction of a story about the controversial Bush-administration judicial nominees and the fight to end the Senate's filibuster tradition, Senate majority leader Bill Frist was identified as a former member of the Ku Klux Klan due to a server malfunction. We have since confirmed that he is not a former member of that organization. We regret the error."

"Because of a software glitch, in a profile of presidential adviser Karl Rove that appeared in Sunday's *Washington Post*, what the reporter described as Rove's clothing—'a shirt stained with blood'—and his physical appearance—'horns, nascent but visible, beginning to protrude from his otherwise smooth scalp'—may have left the impression with some readers that Mr. Rove, in the midst of a transformation from mortal political adviser into undead satanic majesty, may have committed a blood sacrifice earlier in the day. Mr. Rove's spokesman clarified for the *Post* that the 'bumps' on his head were from 'searching for something under the kitchen sink, unaware that his wife had opened the upper cabinet in the meantime,' and that the stains on his shirt were from 'a combination of drinking V-8 juice and driving over a speed bump.' The *Post* regrets the misimpression that may have been left with some of its readers."

"Due to a production error that affected several early editions of the *Boston Globe*, in an article entitled 'What's Wrong with Our Schools?' it was implied with charts, graphs, statistics, and direct quotations that the chief obstacle to reforming and improving Boston-area public schools is the powerful teachers' union. The *Globe* apologizes to its readers and to the teachers' union for the error. Later editions of the paper clarified that it is not the teachers' union, but the Bush administration, that is responsible for the declining effectiveness of our public schools."

"In yesterday's correction of a correction of a story about the controversial Bush-administration judicial nominees and the fight to end the Senate's filibuster tradition, Senate majority leader Bill Frist was identified as not being a former member of the Ku Klux Klan. *All Things Considered* has since learned that he is also not a current member of the Ku Klux Klan. We thought our listeners would like to know."

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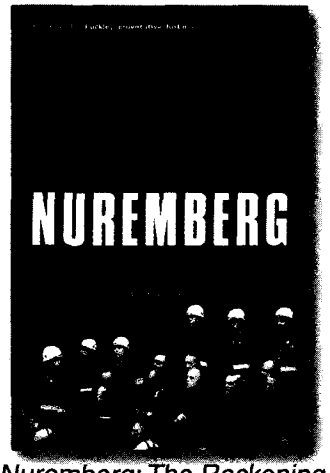
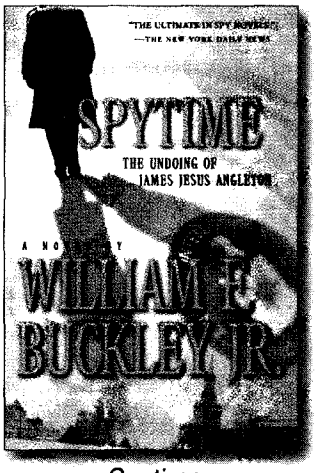
William F. Buckley Jr. is the founder of the *National Review* and was the host of what was television's longest-running program, *Firing Line*. He was recently awarded the Presidential Medal of Freedom. The author of thirteen other novels, including the hugely successful Blackford Oakes series, he lives in Connecticut.

Author appearances in New York City and Washington, D.C.

Also by William F. Buckley Jr.:



Nuremberg: The Reckoning



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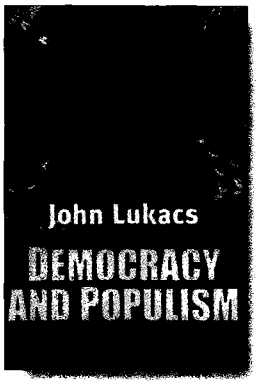

Democracy and Populism: Fear and Hatred, by John Lukacs (Yale, 272 pp., $25)

JONAH GOLDBERG

One hates to invoke the most weatherworn of metaphors, but John Lukacs's new book *Democracy and Populism* is indeed the tip of an iceberg. The author of more than 20 books, Lukacs is indisputably one of the English language's greatest—and most idiosyncratic—historians. He is hard to lock on to with conventional ideological radar: Lukacs is a conservative who believes America committed a monumental blunder by prosecuting the Cold War—and, one gathers, the war in Iraq. A native of Hungary, he deserted the Nazi-allied Hungarian army and eventually emigrated to the United States in 1946.

Over the subsequent six decades he's unleashed a prodigious body of work, mostly on the World War II era. Lukacs's books include *The Last European War*, *The Duel* (on the battle between Hitler and Churchill), *Five Days in London*, and the surgically brilliant *The Hitler of History*, in which he applied a scalpel to the intellectual tumor that had been growing around the study of the Nazi regime. Among the necrotic bits Lukacs excised in that book was the popular notion that Hitler was in any way "conservative": Hitler in fact saw himself as a revolutionary, and he was seen as a revolutionary by his friends and foes. With the obvious exception of the Jews, the segments of the society he despised most were those who opposed revolution—traditionalists, monarchists, devout Catholics, the bourgeoisie. The *Horst Wessel Lied*—the Nazi anthem—identified the "Red front" *and* "the reactionaries" as the twin enemies of the Third Reich, and the Nazi understanding of who qualified as a reactionary was almost indistinguishable from the Communists' use of the term.

Yet Lukacs's most passionate—if not necessarily most original—argument lay in his view that Hitler was a populist. The appeal of Nazism and Italian Fascism—not identical phenomena, Lukacs rightly notes—was fundamentally populist. Mussolini and Hitler alike proclaimed that their approach was "more democratic" than that of the corrupt, decaying parliamentary democracies. The whole concept of the Fuehrer or Duce as the living embodiment of the people's will is unavoidably and quintessentially populist. "We National Socialists are the better democrats," Hitler insisted on more than one occasion, and there's no reason to think he didn't believe it.

One needn't stoop to psychoanalysis to see that Lukacs, this refugee from the ravages of totalitarianism, sees populism as the greatest danger to civilization. And he uses the word "civilization" deliberately and precisely, noting that it entered the English language in 1601 and was specifically defined as the antithesis of "barbarism." For Lukacs, populism is the political system of barbarism: All populists may not be barbarians (though they usually are), but all barbarians have populist tendencies. Historically, populists and nationalists had been largely the same thing; so when Hitler declared in *Mein Kampf* that he "was a nationalist and not a patriot," he meant that while he aligned himself with the people and *Volksgeist*, the blood and soil, of Germany, he didn't endorse its republican and democratic institutions—which, he felt, were stifling its true "spirit."

And this is the main point to *Democracy and Populism: Fear and Hatred*. Or at least I think it is. Don't get me wrong. Lukacs's prose is clear and crisp. But while this is a wonderful book to chew on, it's more than a bit difficult to digest. He never presents a clear thesis and develops it directly. Rather he moves round and round different facets of the last couple of centuries, offering counterintuitive pairings, fascinating diversions, iconoclastic interpretations (many of which are convincing to varying degrees, all of which are interesting). His conclusion builds in the reader's mind like sediment from repeated lunar tides of insights. For the reviewer this can be a bit maddening. For the intelligent and historically literate general reader, this may well be a great joy.

Regardless, the danger of populism is certainly *one* of Lukacs's main points, here and throughout his writing. And it is a remarkably useful lesson, particularly for conservatives, who have become increasingly seduced by populist appeals in recent years. One need only take a small step back from the narrow and shallow definitions of "conservative" and "liberal" in contemporary partisan debate to recognize that much of what passes for triumphant conservatism is merely rightish populism. Fox News, for all the great and good things it has going for it, is far more successful for its populist flourishes than its supposed "conservative" biases. The entire raison d'être of the network is to thumb its nose at the elitist Brahmins of the reeling "mainstream media." Those little American flags the anchors wear on their lapels may have been pinned on out of genuine patriotic sentiment, but the corporate decision to let them stay there was surely driven by a carefully considered populist appeal: "See! We're the network that actually *likes* America!"

That the mainstream media could create such a market niche—or chasm—in the first place speaks volumes about the depths of the liberal chattering classes' disdain for their customers. Indeed, it wasn't long ago that Peter Jennings and

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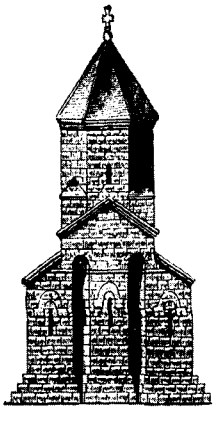
Mike Wallace openly boasted at a conference that being a journalist trumped being an American. When Wallace was asked if warning American soldiers about an imminent ambush might be a higher duty than getting 30 seconds of videotape, he snapped back: "No. You don't have a higher duty. No. No. You're a reporter!"

Still, there's little doubt that Lukacs would cast a pox on both their houses. For while he may have few kind words for elite liberalism, he sees its shortcomings as a feeble excuse for the conservative movement to embrace precisely that which it has historically opposed. Lukacs is a conservative elitist who believes that the rise of populism "has been inseparable from the decline of authority." He rightly argues that populism—the notion that the *unfiltered* opinions and passions of the masses are sovereign over all formal and informal republican institutions—is the antithesis of conservatism, historically and properly understood. The father of modern Anglo-American conservatism, Edmund Burke, said it best when he told the electors of Bristol: "Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion."



Lukacs believes that conservatives have come to care too much about public opinion, or at least about that substantial fraction of public opinion they rely on to put Republicans in office and to move conservative books off shelves. He doesn't discuss contemporary politics in any great detail, but one can easily imagine the profound disgust he would have for "conservatives" like Dick Morris who actually advocate conducting binding national referenda the way we conduct political polls. It is certainly true that any worldview that says the living people of any given moment—no matter how enraged or even justifiably vexed—have the unfettered right to overturn tradition, custom, and law is flatly anti-conservative. Tradition, Chesterton observed, is democracy for the dead. And conservatives above all others should recognize that repealing their vote is something to be done only after careful, deliberate consideration.

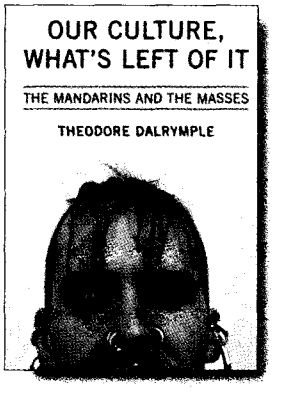
At the same time, American conservatives have always spiked the punch with a little populism. Willmoore Kendall championed "Appalachians-to-the-Rockies conservatism," which was really just highbrow populism. William F. Buckley Jr. famously declared he'd rather be governed by the first 2,000 names in the Boston phone book than by the faculty at Harvard. But it's still hard to imagine either of these men carrying pitchforks at the front of a mob.

In a recent interview, Lukacs commented that the 1956 Hungarian uprising was an example of good populism. This is instructive, because it is unlikely that conservatives in the United States would ever have embraced populism at all had it not been for anti-Communism: America's elites were softer on the Communists than the people were, by a wide margin. This anti-elitism has stuck with the Right as the Cold War ended and the Culture War blossomed. And it seems silly to disagree with the people when they're right simply because they're the people. Conservatives could, however, work a bit harder at reminding everyone, including themselves, that we are opposed to the *current* elite, not elites qua elites.

In any case, it's hard not to come to the conclusion that for all of Lukacs's brilliance and insight he's still a bit of a stranger in a strange land. Indeed, it is one of the running themes of his work that he treats America as just another society, no more and no less immune to the intellectual and social tides of history. Taking exception to American Exceptionalism is a useful perspective, since so few other historians do it. But there's a reason for that: America is different. We lack a feudal past, we were founded not by prehistoric tribes but by educated men of faith. These and other facts may be given too much weight at times—particularly in the modern age of mass communication and travel—but they cannot be completely discounted.

This is just one of countless arguments one could get into with John Lukacs, a historian who stands outside all familiar categories. **NR**

The Doctor Is In



Our Culture, What's Left of It: The Mandarins and the Masses,
by Theodore Dalrymple
(Ivan R.Dee, 352 pp., $27.50)

DAVID PRYCE-JONES

WHAT a phenomenon Theodore Dalrymple is! There is no one else writing today quite like him. Liberals have fashioned a world in the image of their ignorance and naïveté, and he mocks it with unceasing brilliance and a unique gallows humor. Fighting this rearguard action, he reveals himself to be a man of immense culture and the widest experience. And like some Old Testament prophet, he cries Woe, Woe from a standpoint of absolute moral conviction. Doom may be closing in upon us all, but it will never extinguish his light.

A sense that he has perpetually been seeking evidence that things are for the worst in the worst of all possible worlds certainly infuses his work. From sparse clues he drops here and there in these essays, he seems to have been conditioned from childhood to take a low, indeed a tragic, view of human nature. His father was a lifelong Communist who nonetheless encouraged him to read widely; his mother was a refugee from Nazi Germany. These two outsiders were engaged more in a civil war—"a kind of hell"—than in a marriage. In their son's presence, they did not speak to each other. One night, he awoke when his

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mother was exclaiming, "You're a wicked, wicked man"—these were the only words he ever heard pass between his parents. When he was about eleven, he says, he lined up for a ticket to a soccer match. A blind beggar with an accordion passed by, whereupon some young men drowned him out by turning up their radio, laughing loudly at his bewilderment.

Someone less intelligent might have settled for victimhood. Dalrymple instead has spent most of his working life as a doctor in a hospital and a prison, in a large industrial city that he doesn't identify but in fact is Birmingham, in the British Midlands. In this capacity he has dealt with murderers, perverts, and misfits, and with every sort of violence and sexual abuse, in particular the horrors customarily inflicted on local Muslim women. At times, and in order to continue testing reality, he has practiced medicine in such Third World countries as Zimbabwe and Tanzania. He has also made a point of visiting places of persecution and fear, including Castro's Cuba and Liberia, to see for himself mass graves and the negation of civilization.

"Men commit evil within the scope available to them." That, for him, is the inescapable brute fact about the human race, and wisdom consists in facing it and drawing the proper conclusions. Until the 20th century, it was generally accepted that civilization rested on restricting the scope available for evil, and that government, law, morality, taboos, and custom were all enrolled in that purpose. Dalrymple often praises Shakespeare because he demonstrates better than anyone else how the absence of restraint destroys the individual and the society.

What's different and novel now is that for more than a century intellectuals have been promoting the view that evil is a myth, and everything laboriously set in place to restrict man's innate capacity for evil has been wrong. This is nothing more than utopian fantasy, but it has been enough to unravel the time-honored truth that self-discipline is a necessary condition of freedom; and governments everywhere have consummated the wreckage by enacting laws that promote unrestrained behavior and by creating a welfare system to protect people from its economic consequences. The result is today's sexual chaos and moral swamp, the coarsening and vulgarization of life and all the arts. Dalrymple's heart goes out to the unfortunate people he attends to in his Birmingham hospital and prison because they have to pay for bad ideas imposed on them from above, and against which they are defenseless.

The unfortunate people Dalrymple attends to in his Birmingham hospital and prison have to pay for bad ideas imposed on them from above.

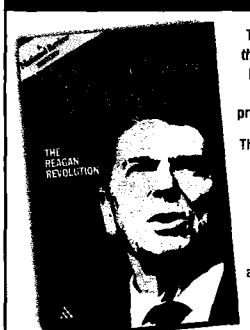
England has lately been afflicted by several events revealing the correspondence between bad ideas and bad behavior. Dalrymple relates in gruesome detail a couple of cases in which sexual perverts abused and murdered a number of young girls. The public's obsessive anger, he thinks, was really a reflection of the permissiveness they claim for themselves. At a lower level, the untimely death of the Princess of Wales bathed the country in childish sentimentality. In defiance of the facts, but in a manner characteristic of a society that has junked self-discipline, this aristocratic and royal embodiment of privilege instead was enshrined as the goddess of domestic tribulations.

The cultural war did not have to conclude in the victory of bad ideas. Dalrymple compares and contrasts the humane Turgenev with the inhuman Marx, and in another unusual pairing, he contrasts the creative Mary Cassatt to the destructive Joan Miró. In his classic account of a visit to czarist Russia, the French Marquis de Custine was well able to grasp the fundamentals of tyranny. The almost forgotten Austrian writer Stefan Zweig deserves to be revived because he did what he could to defend civilization.

But of course fashion has accelerated bad ideas almost unstoppably. One writer who did more than his fair share to coarsen manners is D. H. Lawrence—from whom Dalrymple picks out some really absurd passages, which could only have been written by someone with no real human insight. It is no less courageous of him to confront the feminists and hack Virginia Woolf to pieces, pointing out her abuse of privilege, her resentments, and her blurring of all moral distinctions. This indictment includes the lapidary sentence, "She was nothing if not a great hater of all that had gone before her." Another slash-and-burn attack concentrates on the once-prestigious Royal Academy, which not long ago mounted an exhibition entitled "Sensation," whose purpose was simply to cause outrage—with a sheep's carcass pickled in formaldehyde, a romanticized portrait of a notorious murderess, and the like. Those who defended the exhibition had the simple proposition that art exists to break taboos and so cannot be immoral. This amounts to saying that ugliness really is beautiful. Another lapidary pronouncement: "Intellectuals prove the purity of their political sentiment by the foulness of their productions."

Master of the arts of persuasion, Dalrymple writes a clear and considered prose that makes him formidable indeed. But going so deep against the grain, is he unnecessarily alarmist? Has something gone so really and irredeemably wrong with Western society as a whole, or has a gloomy temperament and much raw and frightening experience warped his judgment? Dalrymple's moral conviction redeems all such queries. Undoubtedly much future nastiness is to be expected, but these essays no less undoubtedly carry the underlying belief that sanity and civilization must win through in the end. **NR**

NR on RR



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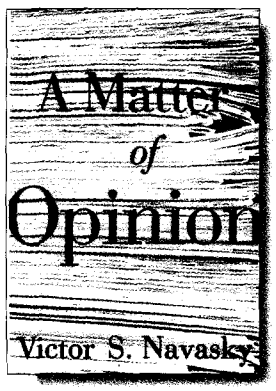
Navasky's Lullaby



A Matter of Opinion,
by Victor S. Navasky
(Farrar, Straus and Giroux,
464 pp., $27)

NEAL B. FREEMAN

In this absorbing account of his long stewardship of *The Nation*, Victor Navasky provides unimpeachable testimony that in matters of national consequence he and his magazine have been—what's the word we're looking for here?—wrong. Yes, that's it: Wrong on the Stalinists. Wrong on terrorism. Wrong on the nuclear freeze. Wrong on socialism. Wrong on welfare reform. Wrong on educational choice. Wrong on tax incentives. Wrong on the culture of life. And of course wrong on people, from Reagan to Vidal to Castro to Thatcher to Hiss. (Navasky carried the torch for Alger Hiss even after the last flame had flickered dead from oxygen deprivation. One can almost hear Hiss crying from some dark smoke-hole, "I love you, Vic, but let it go, man, let it go.") For his misperceptions and misprescriptions we didn't really need a book-length recitation. A handwritten note of apology, terse and abject, might have struck the right tone.

But this book, lodged as it is in the dictatorship of relativism, isn't really about right and wrong. It's the story of a guy who falls head over heels for a little magazine, a real bodice-ripper, and for that we forgive him almost everything. Don't look here for media trivia about power, fame, and money. If Navasky had fallen for a big magazine, or a cable channel, there would have been no romance here, no boy-meets-magazine lullaby. No, with the career recounted in this book Navasky takes his place in that distinguished line of peace-disturbing editors who kept the democratic conversation going: men like Addison and Steele, with *The Spectator* and *The Tatler*. Walter Bagehot was a little-magazine guy, at *The Economist*, as were Albert Jay Nock at *The Freeman* and Carey McWilliams at *The Nation*. In our own day, we have an editor named Buckley at NATIONAL REVIEW and Martin Peretz at *The New Republic*. Victor Navasky, arriving later but asserting his claim every bit as forcefully, is in their company.

As distinctive, even singular, as their voices have been, these little-magazine guys have much in common. Most conspicuous is their Archimedean conceit. While most human beings trudge to the office to perform a job and pick up a paycheck, the little-magazine guy dashes down to the office to *move the world*. The world is not so much his oyster as a hod to be carried, an object to be levered from where it is and obviously shouldn't be to somewhere else where, properly positioned, it will produce a *better world*. This is heady work, bordering on the delusional, which may explain why little-magazine staff dynamics sometimes resemble those of Jack Nicholson's wardmates in *One Flew Over the Cuckoo's Nest*. It's a tough job, this world-moving business. Results differ, we can see, depending on the angle of leverage and the rhetorical force applied. One sees clearly for instance that, in Buckley's case, with a nudge here and a shove there, he managed to turn the world upside down. Navasky, for his part, could only watch in pain as the world rolled back over his exposed toes. But who's counting wins and losses here, it's how you play the game. Or to sound less like a loser: It's important that the game be played, that the debate be intelligent and protracted, that every idea get its chance and that none gain uncritical acceptance.

Little magazines are thus concerned always and everywhere with the principle of the thing. As payday approaches, how-

Mr. Freeman is chairman of the Blackwell Corporation.

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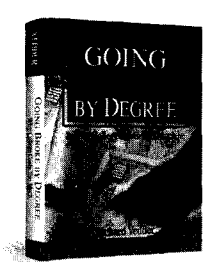

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ever, the principle may be put to one side as the boss concentrates on the money of the thing. Or lack of it. For it is the dirty little secret of journals right, left, and center that their persistence rebukes capitalism's assumption about economic decisions' being driven by profit motive. To my knowledge, and more conclusively, to Navasky's, nobody has ever invested in a little magazine with the expectation of financial profit. Psychic rewards abound, of course. Nothing sets you up in the morning like a good earth-moving edition of your little magazine. But the economics of the little magazine simply don't work (which is why, naming no names, some little magazines have become cruise lines that publish magazines on the side). Navasky recounts in fine detail and with high hilarity, some of it intentional, the money chase he's run to keep *The Nation* going. He's protean. He's Sisyphean. Hell, he's Odyssean. He's also something of a whiner.

My own take is that harsh conditions tend to bring out the best in little magazines: They must hold their readers close; they must cultivate a defensible space in the literary supermarket; and they must find and nurture new writers. New writers tend, happily, to be cheap writers, but little magazines can create an alternative universe in which brand-name writers like Calvin Trillin, under Navasky's editorial spell, work for fees in the "high two figures." The economics of little magazines may not work but they are in some circumstances workable, nonetheless. NR has proved as much. Under the great Ed Capano and the underrated Wick Allison, it has flirted with commercial viability.

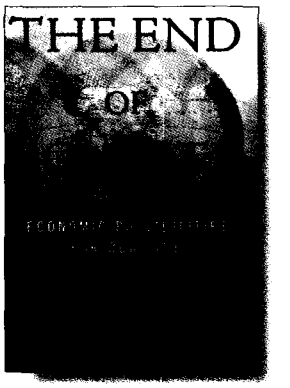
Another common thread winding through the history of little magazines, a thread dyed an arresting shade of red, is legal bills. For tiny enterprises little magazines seem to run up very large legal bills. Why? It's usually the principle of the thing. That's not the principle that all available funds ought to be siphoned off by law firms lest they corrode Spartan office habits; the principle, rather, that words are important artifacts, the sacred relics of democratic process, and must be defended. Even unto the courthouse steps, so help you God.

Navasky recounts here at impressive length his own legal battles, fascinating I'm sure to those directly involved in the disputes. What is striking to the noncombatant is the difference between Navasky's (and, occasionally, Buckley's and Peretz's) response to the actionable offense and, say, the average businessman's. When the latter is accosted by Eliot Spitzer about the missing $100 million, the businessman asks, "How much do you want?" and, as the saying goes, tries to put the matter behind him. The little-magazine guy, inflamed by an offhanded insult, says, "I'll see you in court for the rest of our natural-born lives." As we were suggesting earlier, little magazines are not for people hung up on issues of mental health.

Through it all, through the deadlines and lawsuits and volcanic eruptions of staff distemper, the little magazine perdures, struggling issue by issue to make its case perfectly, always failing, always advancing. Its role in the life of the free society was perhaps best described by James Curran, former editor of *New Socialist*: "We perform a knitting function, bringing together groups with very different ideas." That's exactly how it was when long ago I first walked the corridors of NR, dodging redwoods named Burnham and Kendall and Meyer, as issue by issue Buckley and his band of brothers knitted together what came to be known as the conservative movement. The question was always, How can we edge closer to the bull's eye? How can we nick the combustible core of an issue so as to explode it into public concern? It was neither an original concern nor a new question and it was usually reduced to proxy discussion of editorial technique.

In the early 1800s, *The Edinburgh Review* considered the relative merits of bylined pieces, which tended toward obscurantism, over against unsigned editorials that could be off-puttingly oracular: "It was true that anonymity made possible the monstrous charlatanry of the 'editorial we.' Equally it enabled a vain editor to rewrite reviewer's copy with impunity. Yet on the other hand the reviewer who has signed his name was apt to turn into a mere performer; a crowd pleaser who wrote only what was expected of him." Pick your poison, little magazine, but answer the question. How can you make your point so compellingly as to move the world? **NR**

Whiz Kid



The End of Poverty: Economic Possibilities for Our Time, by Jeffrey D. Sachs (Penguin, 320 pp., $27.95)

NICK SCHULZ

On U2's 1987 hit album *The Joshua Tree*, lead singer Bono belted out a powerful number in which he claimed, "I still haven't found what I'm looking for." He didn't know it at the time, but apparently what the Irish rocker was seeking was a pasty-skinned and energetic development economist. The economist was then spending time shuttling between La Paz, Bolivia, and Cambridge, Mass., helping the Bolivian government try to put its economy on a path to stabilization and growth. That economist was Jeffrey Sachs.

Over the last two decades, Bono has deftly used his international fame and wealth to morph from a rock star into a development activist. He trots the globe, pestering heads of state to give more money to combat AIDS in Africa, jawing finance ministers to relieve Third World debt, and telling Larry King's audience how much more the U.S. can be doing to combat global poverty. The world of global-development activists is small, so Bono has come to work closely with Jeffrey Sachs on several projects.

During that same period, Sachs used his intelligence and ambition to morph from an obscure development economist into something of an academic rock star. In the foreword to Sachs's new book, *The End of*

Mr. Schulz is editor of TechCentralStation.com.

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Poverty, Bono writes of a flight he took with Sachs when a star-struck stewardess asked the singer for his autograph. Pointing to the rumpled academic sitting next to him, Bono told the attendant, "The man with me is Jeffrey D. Sachs. In time, his autograph will be worth a lot more than mine." Time will tell; meanwhile, to determine whether Bono is on to something, we can turn to Sachs's book.

Sachs has devoted the last three decades to helping the poorest and most crisis-prone regions of the world. His tale takes him from Bolivia to Poland and Russia to China and India and, most recently, Africa. In most of these cases, Sachs is brought in by government officials to give them advice on how to get their economies on track.

In his travels, Sachs quickly discovered that excelling at Harvard—he was among the youngest tenured professors in the school's history—was not enough to facilitate economic growth or combat global poverty. Each country's case, as Sachs explains, is different; and each one requires a different set of policy prescriptions. Bolivia is landlocked, making economic development tricky. Poland and Russia were both emerging from Communist shackles. India's colonial history has made it mistrustful of globalization and trade. Africa's geography and disease problems keep it mired in poverty.

All his book learning wasn't cutting it in the real world, so Sachs was forced to think on his feet and react to the situations as he found them. Likening development economics to medicine, Sachs has coined a concept he calls "clinical economics." Countries are patients. Economists like Sachs are doctors and must diagnose what's wrong. Only then—and not from plush chairs at the IMF or World Bank—can they "prescribe a course of treatment." According to Sachs, in addition to a changed approach, ending poverty requires something else: money. Sachs says the developed world's governments and businesses need to embrace debt cancellation and combine that with increased spending on aid.

Sachs, it appears, wants to fight poverty the same way the liberal American teachers unions want to fix failing schools: institute smarter reforms . . . and spend a lot more money. But Sachs doesn't style himself a defender of the status quo. He heaps scorn all across the political spectrum. He sees himself as trying to carve out the sensible middle ground that he believes has been abandoned by free-market enthusiasts and anti-globalization activists. And in this critique, he has much that's useful—and even surprisingly refreshing—to say.

For example, one bête noire of the anti-globalization Left is the use of sweatshop labor in Third World countries. But in a discussion of South Asia, Sachs writes that "the rich-world protesters . . . should support increased numbers of such jobs [because] the sweatshops are the first rung on the ladder out of extreme poverty."

Sachs also believes the U.S. has nothing to fear from the outsourcing of jobs to countries like India. He says "the world is not a zero-sum struggle in which one country's gain is another's loss, but is rather a positive-sum opportunity in which improving technologies and skills can raise living standards around the world."

He also has harsh words for the anti-globalization activists who trash trade meetings and disrupt multilateral efforts to remove barriers to commerce and enterprise. What's more, he shies away from the anti-capitalist rhetoric of the anti-globalization Left and sees rich-world businesses as part of the solution to ending global poverty. "I have intersected repeatedly with the anti-globalization movement," Sachs writes, and while he admires their spirit and some of their efforts, "nonetheless I oppose many of the specific positions of anti-globalization leaders . . . An anti-corporate animus lies at the core of the movement . . . By now the anti-globalization movement should see that globalization, more than anything else, has reduced the numbers of extreme poor in India by 200 million and in China by 300 million since 1990."

It's not often that Ivy League academics confidently praise sweatshop labor and outsourcing, or critique the anti-corporate fervor of the Left, so when they do we know we're encountering something worthy of notice. Disappointingly, however, Sachs also resorts to some tropes commonly found on the left—because, in his heart of hearts, he is a utopian planner. He insists, for example, that the U.S. give more in global aid; but he never even considers the criticism of aid efforts from the likes of the late Lord Bauer and William Easterly, who have demonstrated that aid is frequently ineffective, or even makes matters worse by further entrenching the most parasitic elements of a poor country, its governing elites. Their criticisms are not philosophical, but empirically grounded; yet they do not command Sachs's attention.

What's more, Sachs is deeply critical of the American invasion of Iraq to oust Saddam Hussein—who is, among his other offenses, an objective promoter of poverty. Sachs also knocks the U.S. for not signing the Kyoto Protocol, even though that treaty would kill economic growth—which, Sachs acknowledges elsewhere in the book, is required to raise extremely poor people out of their misery.

Sachs is effusive in his praise for U.N. secretary general Kofi Annan, whom he calls "the world's finest statesman." But Sachs fails to wrestle with legitimate American concerns over Annan's stewardship, such as his obliviousness to Saddam's oil-for-food machinations, and the U.N.'s bungling of the treatment of malaria and HIV/AIDS in Africa.

Sachs also underestimates the largest obstacles to eradicating extreme poverty: the political systems in the developing world that are making progress virtually impossible. He pooh-poohs the notions that "Africa is corrupt and riddled with authoritarianism" and that "corruption is the culprit" in keeping Africans mired in poverty. But what else is one to make of the regime of, say, Robert Mugabe, who has in short order transformed Zimbabwe into a humanitarian disaster? In the 1980s, when Sachs first began constructing his clinical economics, life expectancy in Zimbabwe was 56; today it is 33. Or consider that, according to a recent Brookings Institution/American Enterprise Institute joint study, several developing-country governments place significant taxes and tariffs on essential medicines and medical devices for their people. These governments are literally keeping life-saving treatments out of the hands of their people. Sachs is right to point out that the African people are not to blame for their poverty; but he too often fails to appreciate that their rulers *do* deserve much of the blame.

There is much to admire about Sachs, and much of what he writes makes sense. No one can doubt his passion for improving the lot of the world's poor. But while Bono may have found in Jeffrey Sachs what he's looking for, it's not clear that the developing world has found what it needs. **NR**

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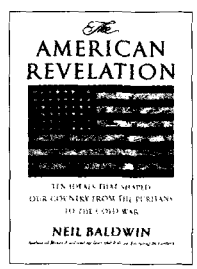
■ SHELF LIFE ■

Usable Past

MICHAEL POTEMRA

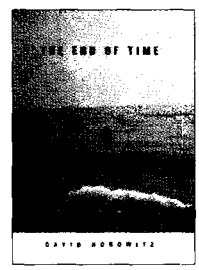
MEMORIAL DAY offers an occasion to get in touch with the mystic chords of American memory. An eloquent reminder of some key episodes is provided by acclaimed historian Neil Baldwin in ***The American Revelation: Ten Ideals That Shaped Our Country from the Puritans to the Cold War*** (St. Martin's, 253 pp., $24.95), which recounts episodes in which remarkable individuals put forward ideals that still have the power to motivate. Some of Baldwin's chapters cover well-known territory, such as Thomas Paine's *Common Sense* and George C. Marshall's Plan to rebuild Europe; others explore less familiar stories, like those of playwright Israel Zangwill (author of *The Melting-Pot*) and African-American historian Carter G. Woodson. In telling his tales, Baldwin shows the American genius for combining individualism and public spirit: We have been, and remain, the country of John Winthrop and Ralph Waldo Emerson. The author succeeds in creating what he calls a "cumulative portrait of America as a place to begin anew, [and] an arena in which each individual should ennoble and serve the whole."



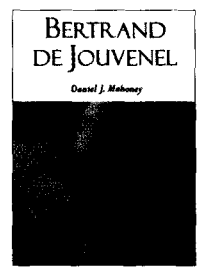
■ ***The End of Time*** (Encounter, 157 pp., $23.95) is a moving and memorable change of pace for intellectual provocateur David Horowitz. In this brief memoir of illness, the agnostic Horowitz confronts issues of mortality with candor and depth, recognizing what he calls "the false consciousness that had accompanied me my entire life":

> These tragedies happen to others. I am not one of them. Even as I entertained these thoughts, I recognized how self-denying and ultimately absurd they were. None of us are outsiders. We are all going to the same destination. Though my recent ordeal was over and I could walk back into the sunlight and resume my interrupted life, I was not really out of there. I had been lucky, but I had not been given a pardon, only a reprieve.

He looks to sources as diverse as Pascal and Saul Bellow, Shakespeare and Wallace Stevens, to make sense of human limitation, and concludes: "Consider what you have and be grateful for it, and remember to look while your eyes are still open."



■ The latest addition to ISI's impressive Library of Modern Thinkers is ***Bertrand de Jouvenel: The Conservative Liberal and the Illusions of Modernity*** (225 pp., $15), by Daniel J. Mahoney of Assumption College. Mahoney makes a good case for this neglected figure who "steered a principled middle path between reactionary nostalgia and progressive illusions": "Jouvenel envisioned the diverse ways in which the permanent goods and truths of our nature could be sustained within an ever-changing and mobile social order. . . . There was no more penetrating critic of 'the myth of the solution,' of the pernicious illusion that the political problem could be permanently solved rather than prudently navigated or adjudicated." That's the conservative temperament, nicely summarized.



■ Kudos to Sapientia Press of Ave Maria University for republishing Michael Novak's 1961 novel ***The Tiber Was Silver*** (304 pp., $18.95). Before he became one of our most valuable public intellectuals, Novak was a thoughtful and observant young seminarian in 1950s Rome; his experiences there inform this novel, which still captivates after (dare I say it?) almost half a century. The story concerns a seminarian struggling with his vocation, in the context of a conservative Catholicism in which liberal forces, percolating ever more loudly below the surface, were about to reach their historic boiling point. This is a fine work of narrative art, and also a poignant answer to the question, "Where did Vatican II—and the Sixties generally—come from?"

■ For 60 years, *Commentary* magazine has been one of the most powerful weapons in the intellectual arsenal of American conservatives. The new anthology ***Commentary in American Life*** (Temple, 226 pp., $22.95), edited by Murray Friedman, collects nine essays about the magazine's achievement; it's a fitting tribute.

■ One of the best bargains of the year comes from ISI Books, which has just released a massive anthology of the writings of John Lukacs. ***Remembered Past: John Lukacs on History, Historians, and Historical Knowledge: A Reader***, edited by Mark G. Malvasi and Jeffrey O. Nelson, weighs in at 922 pages and costs just $18. Lukacs's mind is agile as well as scholarly, and the book shows him at his best, at play in the fields of Clio.

■ The King James Version of the Bible has been treasured for centuries by religious believers and literary devotees alike; a new edition of the work, ***The New Cambridge Paragraph Bible with the Apocrypha, King James Version*** (Cambridge, 1,868 pp., $109.99) by scholar David Norton, makes it easier for readers to appreciate the KJV as its translators envisioned it. Norton's is an especially conservative scholarly edition; he limits himself to modernizing and standardizing spelling and punctuation, and restoring original readings that were adopted by the KJV translators but have been altered over the succeeding centuries by a panoply of editors. Gone are the irritating spellings—e.g., "publick," "lunatick," and "cloke"—that have somehow survived into modern KJVs. Some of the

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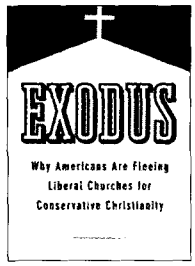
restored original readings make the text clumsier: Galatians 3:13, rendered in most KJVs "cursed is every one that hangeth on *a* tree," reverts in Norton's edition to the 1611 translators' original "cursed is every one that hangeth on tree."

The Norton version's high price and its absence of study notes will make it an unsatisfying choice for most Bible buyers; they remain better advised to use one of the many study versions using the more common KJV text. But the book is an important contribution to scholarship, and beautifully produced and typeset. In a companion volume, ***A Textual History of the King James Bible*** (Cambridge, 387 pp., $95), Norton describes the travails of this remarkable book over almost 400 years; in a 1612 edition, for example, someone—probably a disgruntled employee at the printing shop—substituted "Printers" for "Princes" in Ps. 119:161: "Printers have persecuted me without a cause."



■ In ***Exodus: Why Americans Are Fleeing Liberal Churches for Conservative Christianity*** (Sentinel, 224 pp., $23.95), journalist Dave Shiflett explores the most important religious development of our times: the abandonment of the politicized mainline churches in favor of Evangelicalism, Catholicism, and Eastern Orthodoxy. Not so long ago, Bible-believing Christianity was commonly seen as "yesterday's religion"; now it's more accurately viewed as demography's religion of tomorrow. Shiflett has talked to many people at the forefront of the movement back to orthodoxy. One of them—Southern Baptist leader Richard Land—says of his liberal opponents: "I'd rather be playing our hand than theirs."

■ Ed Meese is one of our MVPs, and he richly deserves the encomium he gets in the new biography ***To Preserve and Protect: The Life of Edwin Meese III*** (Heritage, 138 pp., $9.99), by Lee Edwards. Meese is a conservative's conservative—a true constitutionalist who has devoted his life to the principles of a just and ordered society—and was the chief aide to the most important figure of the latter half of the 20th century. Also worth reading is Meese's memoir, ***With Reagan*** (Regnery, 362 pp., $24.95).

■ Respect for custom is a central facet of the conservative temperament; so is the desire to poke affectionate fun at the fallibilities of one's fellow mortals. In ***Being Dead Is No Excuse: The Official Southern Ladies Guide to Hosting the Perfect Funeral*** (Miramax, 243 pp., $19.95), by Gayden Metcalfe and Charlotte Hays, both qualities are on display. A sample:

> Anne Dudley was hobbling around the kitchen, bravely dyeing Easter Eggs, despite her knees, which were bruised black and blue. "I just don't know," Anne Dudley said. "Did I hurt my knees yesterday afternoon doing the Stations of the Cross? Or did I do it falling down drunk last night?" That, in a nutshell, is the spirit of Southern Episcopalianism. (To her credit, Anne Dudley remains a loyal daughter of St. James' [Episcopal Church], even though the bishop put his foot down and flatly refused to let her have her fourth wedding there. The fifth time, she was too proud to ask.)

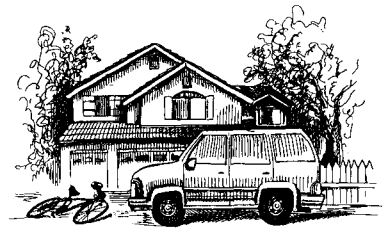
This book does contain recipes and practical advice; but it is also—indeed chiefly—great fun.

■ In ***Why Animals Sleep So Close to the Road (and Other Lies I Tell My Children)*** (St. Martin's, 206 pp., $22.95), National Review Online columnist Susan Konig explores the comedy of everyday life: homebuying, childbirth, and raising a family in the suburbs. This is a light-hearted, but knowing, lark of a book.

■ From religious publisher New Leaf comes an attractive volume called ***Jesus: The Authorized Biography*** (350 pp., $24.99), in which author Gary C. Wharton has arranged the material of the Four Gospels into a single narrative: not a traditional scholarly harmony, but an engaging and readable story. **NR**

■ THE STRAGGLER ■

Britain Turns



JOHN DERBYSHIRE

On the whole, the recent election results from Britain make glum reading for conservatives, those with and those without a capital "C." Of a 60 percent turnout, the victorious Labour party got 36 percent, the Conservatives 33 percent, the Liberal Democrats 22.5 percent, and "other" (Scottish, Welsh, and Irish parties) 9.5 percent. Since the Lib-Dems are well to the left of Labour ("Naderite" would be a fair U.S. equivalent) and most of the little nationalist parties are well to the left of *them*, you could sum up the British electorate of 2005 as being 20 percent in favor of the Tories' diluted post-Thatcherite conservatism, 40 percent to the left of that, and 40 percent indifferent.

For me, this was the occasion of melancholy reflections on the political passions of the early 1980s, the last point at which I was active in British politics. As a foot soldier in Margaret Thatcher's Conservative party, my duty was to tramp the streets of Holborn and St. Pancras (the district of north-central London I was living in), ringing doorbells and handing out leaflets to spread the good news of national redemption through conservatism. Secondary activities included attending meetings of the local party faithful, and taking occasional trips to Parliament with other activists to be briefed by government ministers of the junior sort. Of the constituency meetings I recall only an angry man who stood up at every one of them to deliver a bitter harangue about the need for a bill to ban incitement of class hatred. Of the

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parliamentary briefings, my sole remaining impression is of the bored incivility of the people who had been elevated, by our efforts as much as by their own, to ministerial office.

The street work was mostly thankless and fruitless. Holborn St. Panc. is a safe Labour seat, populated by young singles, welfare cases, "alternative lifestyles" of various kinds, and performing-arts types (the West End is just a short sashay down the road), these categories all overlapping considerably. The local council actually had a "Sex Workers Support Group"—there were quite a lot of sex workers in the constituency, toiling away in rented rooms to swell the Gross National Product. They used to advertise their manifold wares by means of little coded stickers in public telephone booths: SWEDISH AND KARATE LESSONS . . . LARGE CHEST FOR SALE . . . STRICT GOVERNESS WILL DISCIPLINE NAUGHTY BOYS, etc., etc., each one with a phone number.

Thankless as my political drudge work was, though, I was glad to do it. British politics at that time was a matter of sharp contrasts. The Labour party was frankly socialist, its constitution calling for "common ownership of the means of production, distribution, and exchange." It drew much of its energy from characters like the openly Marxist, pro-Soviet union organizer Arthur Scargill (hard "g") and Tony Benn, formerly Lord Stansgate, a typical guilt-crazed upper-class lefty whose principal contributions to the national life, during a spell of office in the 1960s, were the late not-much-lamented Concorde and the incomprehensible, un-writeable, and un-memorizable British post-code system. (The latter since imported by Canada, I notice. Serves them right for not rising up against the Crown when they had the chance.)

Margaret Thatcher stood in contrast to these ideology-addled nation-wreckers as day to night, as steam to ice, as hammer to anvil. Forthrightly plainspoken, instinctively patriotic, an unashamed partisan of liberty, responsibility, enterprise, and the United States, she had arrived in British political life like Joan of Arc coming to the relief of Orleans. I adored her, and was glad to suffer the doorstep insults of welfare mothers, androgynes, and unemployed actors—not to mention the watch-checking inattention of junior ministers and the ravings of grass-roots activist lunatics—in the hope of getting Maggie a few votes. (The sex workers were mostly very polite, and surprisingly often declared themselves to be ardent Tories.)

How long ago that now seems! Margaret Thatcher did what needed to be done. The British people, at any rate enough of them to keep her in office for a decade, were glad to see it done. We had been naughty boys, we knew it, and were in need of a strict governess to discipline us. Then, the chastisement having been administered, the British electorate lapsed back into its normal state of political lethargy, and resumed voting for whichever party seemed less likely to make itself a nuisance to them.

The best thing Mrs. Thatcher did was to destroy that old Labour party. The class warriors and Brezhnev-admirers, the nationalizers and America-haters, the Bomb-banners and tree-huggers, the Scargills and Benns, were hustled off the Labour-party stage, replaced by mild-spoken middle-class types in business suits, murmuring about "opportunity" and "investment." They are colorless by comparison with the old crowd—I can never remember which of Blair's people is which—but much less dangerous to Britain's security and prosperity. By the mid-1990s, the choice for the British electorate was between center-left and center-right. The voters dithered for a while, then settled down happily with the less demanding of the two . . . which they still prefer, even under the unpopular Tony Blair, as was demonstrated the other day.

Perhaps that is unfair to Michael Howard, the Tory leader. The differences between Labour policies and Tory policies are still enough to be worth going out and voting on. The Tories promise to spend more on the armed forces and police, to scale back regulation, to offer more choice in public services, to curtail immigration. They are also the party of people who have thought about, and sometimes even worked at, things other than politics. A typical modern Labour politician—Jack Straw, for example—came to national politics from student politics via municipal politics, with perhaps a brief, undistinguished spell of lawyering, college lecturing, or TV-news production along the way. Entrepreneurship? The military? Agriculture? Science or engineering? Ha ha ha ha ha!

Will there be a rebirth of passionate conservatism in Britain? Will young men of mild political enthusiasms be inspired to trudge the gritty streets of Holborn St. Pancras, ringing doorbells on behalf of some charismatic new Tory leader? I don't think so. Once the debris of state-socialist command economics had been swept away, the principal issue vexing the British was whether to look west to America, or south to Europe. The arguments will rumble on for a while yet, but in their hearts, the British have made up their minds. In a way that is not yet obvious, this election result registered their decision. **NR**

GIFTS

I gave her a golden locket
To shut my portrait in.
She filled it with a butterfly
Wing the blue of Heaven

And wore it until the day
She turned to me from the mirror
To kiss, and the locket behind her
Opened and flew away.

I gave her an antique ring
Some lover had lost in pawn.
She gazed from the sea to her hand
One night—the diamond was gone.

I gave her a chain of flowers
That die before they are old.
She will outstay diamonds and gold.
I will give her nothing but flowers.

—DANIEL MARK EPSTEIN

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WILLIAM F. BUCKLEY JR.

What We Lost At the Astor

NEW YORK, MAY 3

THIS is a morality tale, springing from the old saying, "I lost it at the Astor." For the benefit of the newborn (70 or younger), the Astor was a hotel with a famous bar popular with the young, at which seductions were frequently initiated, resulting in the loss of virginity. The Astor, reconceived in formal economic terms, usefully summons John Maynard Keynes as the great seducer—so that one can ruminate, with appropriate melancholy, on the theme of, "I lost it with Keynes." What was lost was the innate sense of national husbandry, which taught us that deficit spending was wrong. Why? Because it was simply wrong—not moral—to spend money you hadn't set aside.

Keynes taught us that deficit spending is morally neutral. It is simply an instrument of economic policy, useful in correcting maladjustments. If there is great unemployment, and the impulse to spend is anaesthetized, you get things like national depressions. To avoid these you need to deploy hot cash into the economy, such as will revitalize consumption, induce production, and restore full employment. Say's Law (Jean-Baptiste Say, 176–832) taught that there can't really be overproduction, because the appetite of man is infinite. If there is unemployment, that's because something has got in the way of the impulse to satisfy the appetite. In Keynesian doctrine, what got in the way was an imbalance between production and consumption which is mitigated by federal spending.

Keynes was absolutely right on that score, and for 60 years deficit spending has been approved even by people who thought themselves impregnable to the lures of misbehavior at the Astor.

But what crept into the act, with the acceptance of deficit spending, was an attitude of detachment toward the old principle that you should not spend what you do not have. And this detachment is degenerate, as witness popular political attitudes on the matter of Social Security.

President Bush didn't attack the Social Security problem in moral terms. He'd have been laughed out of town if he had attempted this, but that doesn't bar others from attempting it. What Mr. Bush said wasn't that Social Security payments on the present schedule were unearned, but that beginning in 2017, there wouldn't be enough money in the "bank" to pay them out as prescribed. That kind of money could not simply be issued as a Keynesian infusion into the economy. The federal government can't just write checks for $300 billion because money on that scale transcends Keynesian instrumentation, becoming simply huge ventures into national inflation.

What Mr. Bush might have said, summoning the moral authority of lost norms, was that Social Security payments correctly do two things. The first is to repay the American 65-year-old the money taken from him during his working life, plus interest. The second, to provide insurance against such emergencies as bring on destitution.

Before losing it at the Astor, an American listening to this explanation would have found it entirely reasonable. But in the effusive economic pattern of welfare-state thinking, he has come to accept Social Security as a kind of bonanza. There is no movement by any organized body of Americans that is prepared to say: Just give us back what you borrowed from us and we'll call it quits. You can't successfully appeal to Americans to reason in that way. If the accounting goes forward as it now threatens to do, Social Security will give the retired American who lives to age 80 two or three times what he invested in the Social Security program.

Bush didn't make an appeal based on these moral maxims. But he made a huge first step by saying simply that there wasn't the money there to pursue the program as conceived and elaborated over the years. He took the extraordinary step of proposing reduced payments to middle- and upper-income beneficiaries. And most of them are ready to fight for their benefits/extortions to the death.

He may not win this through remedial legislation. He has the alternative of letting the impact of inflation make its own way, and if that happened, we'd have lost it all at the Astor, including any pride we take in responsible self-government.

Exiting Iraq

NEW YORK, MAY 6

IT is time to ponder the strategic impact of the casualty figures. The U.S. has lost approximately 1,500 dead in military action and 10,000 wounded, and we continue to lose about 50 soldiers every month. The Iraqis (using loose counts) die and are wounded at about ten times the U.S. rate. Moreover, Iraqi deaths have increased substantially since the national election in January.

We know philosophically that all deaths should be counted equally, since we are all God's children. But it isn't surprising that U.S. concern should focus on deaths of our own troops, with concern for Iraqi casualties mostly as a building block of strategic reckoning. It may sound inhuman, but it is very human to care about our own on the battlefield. And doing so sharpens the strategic picture for us. We are entitled to say to ourselves: If the bloodletting is to go on, it can do so without our involvement in it.

The indecisive course of affairs keeps us from saying with any confidence that Iraqi forces are now capable of maintaining a peace. Some reason that the impulse to kill will wither the day the last American embarks for home. But it is by no means safe to conclude that if U.S. troops withdrew tomorrow, the killings would end. Every day bombs go off, and suicide killers set out, even when there is no prospect of killing a U.S. soldier.

We have, by our agitation for free elections and human rights, enlivened Iraqis who had never experienced freedom, and we can safely assume that their enthusiasm for a freer society affects the public mood. But it is manifest that also affected are those whose determination is to advance their cruel agenda. The hatred of the Shiites for the Sunnis is not seriously

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affected by the presence of U.S. troops. The resentment expressed by Kurdish spokesmen for parliamentary approaches to human problems is felt like the bite of steel wire across the palm of the hand.

It is easy and imperative to tally the deaths of Iraqis caused by Saddam Hussein. What does not follow is any confident conclusion on how Iraqis would have fared in his absence. Algeria and Libya and Vietnam tell us what can happen when you chase away foreign authorities. "It is difficult, but you get used to it," Naba Hamid, a professor at Baghdad University, is quoted as saying. "It has become part of our daily lives. Just like eating, sleeping, there is bombing."

There are two burdens in America, one of them ascribable to our conscience. We can't "desert" those who enlisted in our proclaimed cause. We did that when we deserted Vietnam, but we are unlikely to do it again in the Mideast, because too many people are looking directly on and would understandably react against U.S. nonchalance with rage and contempt.

But the burden we took on as the military agent of regime change is legitimately moderated by the passage of time and the achievement of proximate goals. We said we'd remove Saddam, and we did. We said we'd train non-Baathist security personnel, and we have not only done so, we've left in place reserves that can maintain institutional batteries of reform. We said we would introduce popular rule, and we did so: Parliamentary government at least exists.

The day has to come when we say that our part of the job is done as well as it can be done, given limitations on our will and our strength. It is an Iraqi responsibility to move on to wherever Iraq intends to go. Our job depends heavily on being done *when we declare it to have been done*, not by the legerdemain proposed 30 years ago to get us out of Vietnam, but by reasonable talk about reasonable but limited commitments to Iraqi reform.

Bushspeak in Europe

NEW YORK, MAY 10

THE debate was quickly framed as follows: Did President Bush, by his remarks, contribute to the stability of democracy, or did he enhance the prospects of destabilization in Russia?

That criticism is serious and attracts immediate concern. A reductionist formulation of the criticism would remind us that territorial Russia stretches across eleven time zones and that however bedraggled the Russian military is at this point, Russia is still the second largest nuclear power in the world—by some reckonings, the premier nuclear power, since the old, wicked USSR hid and lied about its nuclear production. Add to this that democracy is not a fixed component of the Russian DNA, and we're left with the question: Did President Bush make a mistake in provoking Putin—and the Russian people?

It was a great weekend for major-power politics. On Sunday it was *60 Minutes*, with Mike Wallace doing his unique act with a Putin who was driven, by Wallace's prosecutorial questioning, to demand, in effect, to know about the Negro situation in the South. Old cold warriors will remember that cliché of the '50s, when the Communist apologist would reply to the American who documented charges of Soviet aggression, imperialism, concentration camps, and genocide by denouncing the U.S. for Jim Crow. Mike Wallace observed that the Russian nomenklatura controls the media and that democratic accounting simply did not prevail, to which Putin replied (finding his Jim Crow) that it wasn't democracy but a judicial court that decided the U.S. election of 2000.

It transpires that Mr. Putin is diligently curious about world affairs and reads the foreign press diligently. But to hang in there with a non sequitur when replying to charges of non-democratic practices must have made him wistful for the old days, when simple assertions of Soviet rectitude were all that was needed.

What Bush did do was wonderfully bracing. To begin with, he apologized for our own complicity in postwar arrangements authorized at Yalta. When he spoke in Latvia, he made no attempt to elide the events of 1945, when Communist aggression simply replaced Nazi aggression and the long period began when these little republics were vassal states of great Russia. The president applauded the evolution of democracy in Ukraine and Georgia and pitched for freedom for Belarus. After his two hours with Putin at the presidential dacha outside Moscow, Condoleezza Rice reported that he had spoken of the rule of law, a free press, and a political opposition, as constituent factors in a democracy.

But what was special about the scene was the all-American directness of Mr. Bush's commentary. Sometimes it matters when, in dealings with leaders of foreign powers, there are exchanges of social intimacies. When President Eisenhower greeted Premier Khrushchev in 1959 he was meeting for the first time on American soil with a Soviet leader, and he passed on the word to the photographers that he would not smile. His countenance would be that of an official doing his duty. When 13 years later, President Nixon consorted with the leaders of Communist China, there were those who felt dismay at the bonhomie of a shared repast with men actively engaged in the pursuit of bloody tyranny.

Bush brings a hygiene which shields him from criticisms that would be engendered by others who are thought fatalistic, or indifferent, to the slights to human freedom. He is certain to be criticized in Europe by those critics who don't like spontaneous approaches to diplomatic affairs, who don't like Bush, and who in their present mood don't like America. Bush knows that there are such problems, but he is bound by the dictates of his own nature, and these encouraged him, over the weekend, to say candid things to President Putin, to acknowledge historical failings of his own country, to remark the doleful decades in the Baltic community, and to exude a cheerful feel for the whole situation. What he did was, if not exactly made in America, very American. And the next time he comes to town, if he sets down in Berlin or in Paris, he is certain to say pleasant and cheerful things to the leaders of our allies.

—UNIVERSAL PRESS SYNDICATE

"Do what you love, and the money will follow' sure doesn't seem to work very well with drinking."

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happy warrior

MARK STEYN

Nice Goin', Guys

To us old Fleet Street hands, Michael Isikoff will always be the guy who lost the Monica scoop. He had the Lewinsky story first, but his bosses at *Newsweek* killed it at the last minute. They wanted more sources, more corroboration: It's all very well having presidential DNA on the intern's cocktail dress, but we really need a second stain on a second dress before it would be responsible to run this thing. If you can't get a second dress, the Columbia Journalism School Book of Media Ethics says it's okay to make do with a cashmere sweater, as long as it's in an approved pastel shade (the sweater, not the stain). The point is, on a big scoop like this, we need to get everything nailed down airtight, even if that means we don't break it until, oh, somewhere round the middle of Al Gore's second term.

So Isikoff lost his story, and Drudge broke it instead and made his name. Flash-forward seven years to the spring of 2005: Isikoff is still at work at *Newsweek*, possibly still working on trying to nail down his Monica scoop. Suddenly, "a knowledgeable U.S. government source" tips him off on a hot story: At Guantanamo Bay, interrogators got prisoners to talk by flushing a copy of the Koran down the toilet. Like all stories, this scoop immediately went through the full, exhaustive, ultra-rigorous *Newsweek* editing process. Thus, the spelling of "Koran" was changed to the more culturally sensitive "Qur'an." A senior editor then took a further look at the controversial story and said, "Hmm. I dunno. Shouldn't it be 'Qu'ran'? Or maybe 'Q'u'r-an'? I'd be happier if we could get a couple of extra apostrophes in there . . ."

And then they ran the story. And, as we now know, it sparked riots in Pakistan and elsewhere that left 15 people dead. And, unlike the fact-checked-to-death Monica story, the Qu'ran-down-the-to'ilet story turned out to be—what's the word?—untrue.

As should have been obvious even to Isikoff and his colleagues. Is it possible to flush a Koran down the toilet? It takes a bit of effort to get even an average issue of *Newsweek* down and round the bend. I tried flushing Michael Isikoff's *Uncovering Clinton: A Reporter's Story* down there and wound up getting water all over my wingtips and squelching off in my socks to call a plumber. And Isikoff's book is only 416 pages. My copy of the Q'u'r'an is 950 pages, though if you reduce the apostrophes you can get it down under 800. The suras-down-the-septic story was an obvious crock. All it had going for it was that the magazine *wanted* it to be true.

Then; now

"It's important to remember," Isikoff told the *Washington Post*, "there was absolutely no lapse in journalistic standards here." And that's true. The fake Koran-flushing lives up entirely to the CBS bogus National Guard memos: an honest mistake that, like all the mainstream media's honest mistakes, is a mistake that will, if true, damage the Bush administration. By contrast, when the Swiftvets come along, whoa, hold your horses, let's get the slo-mo fact-checkers in for three or four months, at least until, say, mid-November. The only difference this time around is that there seems to be some serious damage to America's reputation in parts of the Muslim world otherwise well disposed to the Great Satan—Afghanistan notably—and the little matter of 15 corpses, which makes Michael Isikoff considerably more lethal than, say, Lynndie England.

The rules for this sort of thing are well known. Last year, an old leftie Scots pal of mine, Alistair Beaton, wrote an anti-war "satire" which included Bush and Blair singing "We're Sending You a Cluster Bomb from Jesus." Ha-ha. Alistair's play opened at the Birmingham Repertory Theatre in England and did boffo biz. In his merciless evisceration of Bush-Blair and the radical Christian threat to world peace, Alistair was operating in the tradition of bold, courageous, transgressive artists without whom a free society cannot survive. And happily, crazy as they are, these Christian fundamentalist types don't tend to be waiting for you at the stage door. Whereas, if you write, "We're Sending You a Schoolgirl Bomb from Allah," you attract a somewhat livelier crowd, and it's hard to pick up showbiz awards for your boldness, courage, transgressiveness, etc., when you're six feet under. Ask Theo van Gogh. As a rule, if you're going to be "provocative," it's best to do it with people who can't be provoked.

Journalists understand this, too. When Christians get hot and bothered about a horny Jesus (*The Last Temptation of Christ*), a gay Jesus (Terrence McNally's Broadway play *Corpus Christi*), or a Jesus floating in the artist's urine (*Piss Christ*), columnists take to the barricades to champion the cause of free speech. When Muslim groups closed down a play in Cleveland because its revolting apologia for a Palestinian suicide bomber was insufficiently pro-Muslim, the silence of the media lambs was deafening.

But somehow, when it's the merest hint of a rumor of a canard about Bush stooges flushing the Koran down the toilet, *Newsweek* doesn't bother thinking through the consequences. That's the real problem here: not the reflex leftism but the pathetic hicky parochialism of a U.S. media unable to see things except through the tunnel vision of domestic partisan advantage. Who's really the "culturally insensitive" ones here? **NR**

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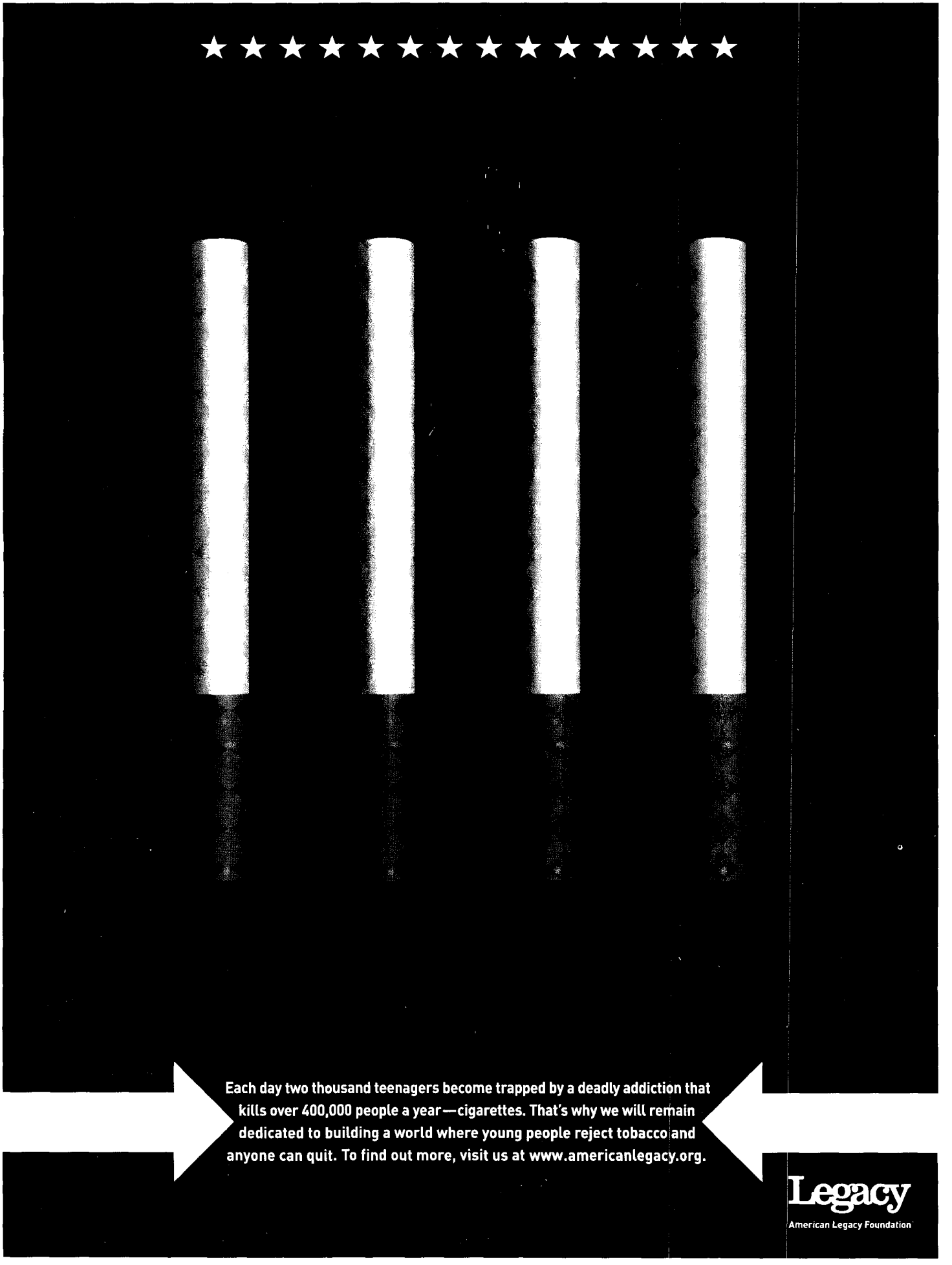
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